

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at www.FargoND.gov/streaming. They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at www.FargoND.gov/citycommission.

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, October 18, 2021).

CONSENT AGENDA – APPROVE THE FOLLOWING:

- 1. 1st reading of the following Ordinances:
 - a. Relating to Franchises and Contracts.
 - b. Electric Franchise Ordinance (amended).
- 2. 2nd reading and final adoption of an Ordinance Relating to Alcoholic Beverages; 1st reading on 10/18/21.
- 3. Resolution Ratifying Mayoral Signature.
- 4. Site Authorizations for Games of Chance:
 - a. Metro Sports Foundation at Twin Peaks.
 - b. American Gold Gymnastics, Inc. at Drumconrath Brewing Company.
- 5. Applications for Games of Chance:
 - a. Sts. Anne and Joachim Catholic Church for bingo on 11/14/21.
 - b. Knights of Columbus for a raffle on 2/13/22.
 - c. Muskies Inc. FM Chapter for a raffle on 2/10/22.
 - d. Alpha Tau Omega for a raffle on 11/4/21.
- 6. Concur with the findings of staff and the Liquor Control Board and apply the Penalty Matrix (\$500 fine, first failure) to the following:
 - a. Cowboy Jacks.
 - b. Fargo Billiards and Gastropub.
 - c. Fargo Brewing Company.
 - d. Fort Noks.
 - e. Granite City Food and Brewery.
 - f. Hi-Ho Burgers and Brew.
 - g. No Bull Country Club.
 - h. Olive Garden.
- 7. Concur with the findings of staff and the Liquor Control Board and apply the Penalty Matrix (\$750 fine, second failure) to Brew Bird.
- 8. Change Order No. 4 for an increase of \$3,245.00 and time extension to 10/22/21 for Project No. FM-19-A3.

Amendment (Second) to the Right of Way Agreement with Great Plains 1001 Holdings, LLC and Bakken Contracting, LLC a/k/a BC Contracting.

10. Bid award for replacement of rooftop ACU units, press box windows and stadia joint calking at the Newman Outdoor Stadium (AFB21136).
11. Sole Source Procurement with AstroTurf Corporation for the replacement of the synthetic turf surface at the FARGODOME (SSP21192).
12. State Water Commission request for cost reimbursement for the FM Metropolitan Area Flood Risk Management Project totaling \$2,268,176.69.
13. Sixth Amendment to the Third Amended and Reconstituted Joint Powers Agreement (Joint Dispatch Center).
14. Addendum to Provision of Nursing Services for the Northern Cass Public School District.
15. Addendum to Provision of Nursing Services for the Mapleton Public School District.
16. Financial Award from the ND Department of Commerce/DCS for the Gladys Ray Shelter (CFDA #14.231).
17. Amendment to the Notice of Grant Award from the ND Department of Health for COVID-19 funding for local public health units.
18. Amendment to the Agreement of Services with Annie Wood.
19. Agreement for Services with Jenna Eckstein.
20. Agreement for Services with Amy Nash.
21. Amendment to Grant Agreement with the ND Department of Human Services for Care Coordination services.
22. Resolution Approving Plat of Prairie Farms Commercial Third Addition.
23. Levee Development Agreement with Craig Enclave OG, LLC.
24. Advance funding for the completion of the Fargo Smart Energy Ramp Project.
25. Bid award for one motorgrader and wing (RFP21171).
26. Bid award for one motorgrader and wing (RFP21172).
27. Bid award for one articulated wheel loader (RFP21173).
28. Contract Renewal to Tire Purchase and Service to Goodyear Tire and Rubber Company (RFP19151).
29. Termination of Water Tower Lease Agreement with Verizon Wireless LLC for Water Tower No. 3 at 1430 10th Street North.
30. Sole Source Procurement with Vessco, Inc. for cumulative 2021 purchases of maintenance parts and chemical pumps for the Water Treatment Plant (SSP21185).
31. Contract and bond for Project No. PR-21-E1.

Bills.

33. Change Order No. 2 for an increase in the amount of \$4,423.40 for Improvement District No. AN-20-E1.
34. Change Order No. 1 for an increase in the amount of \$12,601.78 and time extension to 10/25/21 for Improvement District No. BN-21-K1.
35. Change Order No. 3 for an increase in the amount of \$1,256.44 for Improvement District No. UN-21-A1.
36. Final Balancing Change Order No. 1 in the amount of \$22,701.55 for Improvement District No. BR-20-A1.
37. Contract award for Consulting Services for Improvement District No. QN-23-A0 (2nd Street Pedestrian Bridge).
38. Memorandum of Offer to Landowner for Permanent Easement (Street and Utility) with the Park District of the City of Fargo (Improvement District No. BR-22-A0).
39. Create the following Improvement Districts:
 - a. No. BN-22-A.
 - b. No. BR-22-B.

REGULAR AGENDA:

40. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).**
41. ***Public Input Opportunity* - PUBLIC HEARINGS - 5:15 pm:**
 - a. Application to transfer a Class "B" Alcoholic Beverage License from Dakota Liquors LLC d/b/a Main Ave Liquors located at 4000 Main Avenue to Long Haul Saloon, LLP d/b/a Main Ave Liquors to be located at 3838 Main Avenue; continued from the 9/20/21 Regular Meeting.
 - b. Application to transfer a Class "A" Alcoholic Beverage License from The Bowler, Inc. d/b/a The Bowler to be located at 2630 South University Drive (ownership change).
 - c. Application to transfer a Class "A" Alcoholic Beverage License from International African Restaurant and Nightclub, LLC d/b/a International African Restaurant and Nightclub to 518 Properties LLC d/b/a 518 Properties to be located at 4554 7th Avenue South.
 - d. CONTINUE to 11/15/21 - Meadow View Addition (1402-1493 66th Avenue South; 1406-1494 67th Avenue South; 1450-1497 68th Avenue South; 1402-1498 69th Avenue South; 6600-6985 14th Street South); approval recommended by the Planning Commission on 6/3/21:
 1. Zoning Change from SR-4, Single Dwelling Residential and P/I, Public Institutional to SR-4, Single Dwelling Residential and P/I, Public Institutional.
 2. 1st reading of rezoning Ordinance.
 3. Plat of Meadow View Addition.

- e. Reeves Addition (4 and 5 14th Street North, 9 and 19 14 1/2 Street North, and 1418 1st Avenue North); approval recommended by the Planning Commission on 10/5/21:
 - 1. Zoning Change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay.
 - 2. 1st reading of rezoning Ordinance.
- f. Oak Manor Second Addition (2302, 2304, 2306, 2308, 2310, 2312, 2314, 2416 and 2318 15th Street South; 1408 Oak Manor Avenue South; and 1401 and 1405 25th Avenue South); approval recommended by the Planning Commission on 10/5/21:
 - 1. Zoning Change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential.
 - 2. 1st reading of rezoning Ordinance.
- 42. COVID-19 Update
- 43. Request from the Fargo Moorhead West Fargo Chamber of Commerce to discuss a potential building development opportunity for a business resource hub.
- 44. Request for a Moratorium on Outdoor Sound Amplifying Equipment Use through September of 2022.
- 45. Police Chief David Zibolski will provide a one year review.
- 46. Letter of Support for the creation of the Police Advisory and Oversight Board.
 - a. Receive and file an Ordinance Relating to the Fargo Police Advisory and Oversight Board.
- 47. Discussion on speeding vehicles.
 - a. Update from Police Chief David Zibolski on traffic enforcement.
- 48. Update on a dangerous building located at 1418 1st Avenue North.
- 49. Update on the Election and City Governance Task Force and approval of schedule.
- 50. Discussion regarding portfolio communications relative to the organizational chart.
- 51. Recommendation for appointment of a Director of Facilities Management.
- 52. Recommendation for appointment to the Growth Initiative Fund Board of Directors.
- 53. Applications for Property Tax Exemptions for Improvements Made to Buildings:
 - a. Wesley and Stacey Griggs, 2440 East Country Club Drive South (5 year).
 - b. James Kappenman and Daryl Bates, 2518 East Country Club Drive South (5 year).
 - c. Aimee Rastedt, 2580 Pacific Drive South (5 year).

People with disabilities who plan to attend the meeting and need special accommodations should contact the Commission Office at 701.241.1310 at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Minutes are available on the City of Fargo website at www.FargoND.gov/citycommission.

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NOTICE OF HEARING

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, September 20, 2021 at 5:15 o'clock p.m. to consider an application for transfer. A transfer requested of a Class "B" Alcoholic Beverage License, Dakota Liquors LLC d/b/a Main Ave Liquors located at 4000 Main Ave to Long Haul Saloon, LLP d/b/a Main Ave Liquors to be located at 3838 Main Ave with this ownership change.

Any interested person may appear and will be heard.

City Auditor's Office
(September 8, 2021)

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Transfer Application – Main Ave Liquors

DATE: October 22, 2021

The following application for a liquor license transfer was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: B Full alcohol off sale
Business Name: Main Ave Liquors
Location: 3838 Main Ave
Applicants: Arch Simonson, Brian Staffne

This is the sale of the Main Ave Liquors off-sale business; the new location meets the 100-foot rule. The Liquor Control Board voted to approve the transfer of a Class B alcoholic beverage license from Dakota Liquors LLC d/b/a Main Ave Liquors to Long Haul Saloon, LLP d/b/a Main Ave Liquors to be located at 3838 Main Ave. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class B alcoholic beverage license from Dakota Liquors d/b/a Main Ave Liquors to Long Haul Saloon, LLP d/b/a Main Ave Liquors to be located at 3838 Main Ave.



Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler *Can II*

Date: September 23, 2021

RE: Liquor License Transfer (Main Ave Liquors) Amended

**Application for transfer of a Class "B" Alcoholic Beverage License from
Dakota Liquors LLC d/b/a Main Ave Liquors located at 4000 Main Avenue to
Long Haul Saloon, LLP d/b/a Main Ave Liquors to be located at
3838 Main Avenue, Fargo with this ownership change**

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I examined the applicant's credit report and public records criminal background.

The following information was discovered through this investigation:

Simonson, Arch Royal - Owner

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (<https://chs.state.mn.us/>) showed no criminal convictions.

Credit History-

Arch R. Simonson's credit report was reviewed. There are no prior bankruptcies, recent past due accounts or debts turned over to collections.



Fargo Police Department

Staffne, Brian Lee - Manager

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (<https://chs.state.mn.us/>) showed no criminal convictions.

Investigation Notes

This application is for a transfer of a Class "B" alcoholic beverage license (authorizes the licensee to sell "off-sale" only. No Class "B" license shall be issued to any applicant whose primary business is not, or upon the issuance of the license applied for, shall not be the sale of alcoholic beverages on an off-sale basis) from Dakota Liquors LLC d/b/a Main Ave Liquors located at 4000 Main Avenue to Long Haul Saloon, LLP d/b/a Main Ave Liquors to be located at 3838 Main Avenue, Fargo with this ownership change.

I spoke to Arch Simonson by phone. I inquired about the liquor license that was suspended in the past, which he disclosed in the application. He told me it was about 10 years ago (possibly longer) at the Long Haul Saloon in Grand Forks. One of his employees sold beer to a minor. He believes the license was suspended for one to three days. He cannot remember because it was so long ago. Arch said he owns 4 liquor licenses in ND and 3 beer (3.2) licenses in Minnesota and that is the only issue he's had.

In the initial background investigation, a manager had not yet been named. Arch Simonson wanted to make sure the city would grant the license before hiring a manager. Arch Simonson has since named Brian Lee Staffne as the manager of the business. Mr. Staffne has been the manager at Simonson Station Store on Main Ave. in Fargo since 2009.

The investigation into the criminal history of the applicants did not find any current issues. A credit check on Arch Simonson did not show any current problems with his credit.

Business Location

Main Ave Liquors will be located at 3838 Main Avenue, Fargo. The current Main Ave Liquors is located at 4000 Main Avenue. Other businesses in the area with an alcoholic beverage license include: Paradiso, Osaka Sushi and Hibachi and La Fiesta Mexican and American Grill.

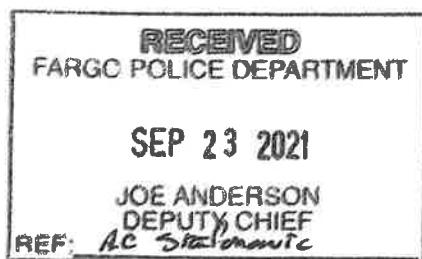


Fargo Police Department

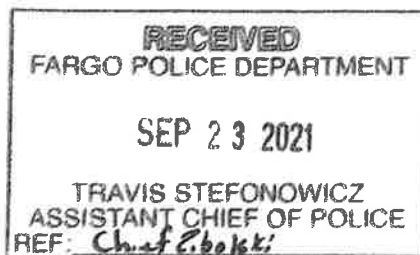
Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

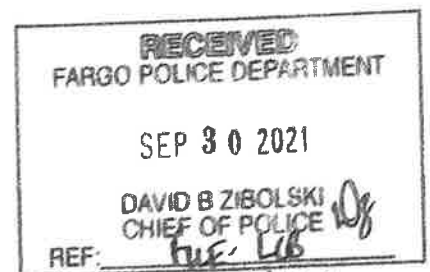
P. Northrup



+ Approved



+ Approved



cc: S. SPRAGUE
* ADDENDUM to 8/26/21 MEMO

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NOTICE OF HEARING

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, November 1, 2021 at 5:15 o'clock p.m. to consider an application for transfer of a Class "A" Alcoholic Beverage License from The Bowler, Inc d/b/a The Bowler, do to ownership change, to be located at 2630 South University Drive, Fargo.

Any interested person may appear and will be heard.

City Auditor's Office
(October 6, 2021)

MEMORANDUM

TO: Board of City Commissioners
FROM: Steven Sprague, City Auditor
SUBJECT: Liquor License Transfer Application – The Bowler
DATE: October 22, 2021

The following application for a liquor license transfer was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: A Full alcohol, no food sales requirement, bar allowed
Business Name: The Bowler
Location: 2630 South University
Applicants: Robert Tandeski, James Tandeski, Jolene Tandeski

The Liquor Control Board questioned the criminal history of one applicant, after the Chief's response the Liquor Control Board voted to approve the transfer of a Class A alcoholic beverage license from The Bowler Inc. d/b/a The Bowler, due to death of owner. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class A alcoholic beverage license from The Bowler, Inc. d/b/a The Bowler, transfer due owners death and more than 5% stock ownership change.



Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler *CNN*

Date: October 5, 2021

RE: Liquor License Application Transfer (The Bowler)

**Application for transfer of a Class "A" Alcoholic Beverage License from
The Bowler, Inc. d/b/a The Bowler, due to ownership change, to be located at 2630 South
University Drive, Fargo**

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I examined the applicants' credit report and public records criminal background.

The following information was discovered through this investigation:

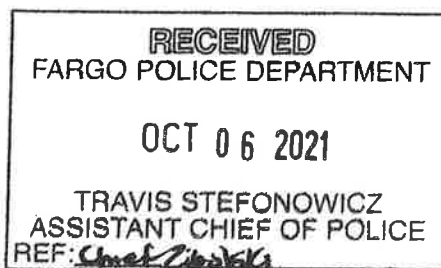
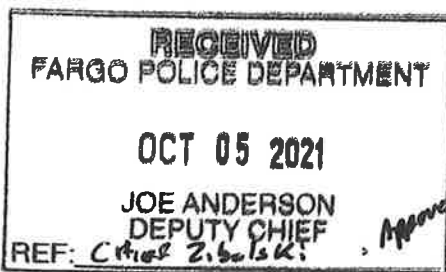
Tandeski, Robert James – Owner

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us/>) showed no criminal activity.

Credit History-

Robert J. Tandeski's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.



DATED 11/10/21 w/ J.R. Tandeski's
criminal record. Manages The Bowler + Thunder Road



Fargo Police Department

Tandeski, James Robert –Manager

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us/>) showed the following convictions:

1. 2001 Misdemeanor Possession of controlled substance. ND
2. 2002 Misdemeanor Possession of Drug Paraphernalia ND
3. 2002 Felony Endanger by Fire. ND
4. 2002 Misdemeanor Minor in Possession. ND
5. 2013 Misdemeanor Disorderly Conduct/Brawling or Fighting. MN

See investigation notes below.

Credit History-

James R. Tandeski's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Tandeski, Jolene Marie – Manager

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us/>) showed no criminal activity.

Credit History-

Jolene M. Tandeski's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.



Fargo Police Department

Investigation Notes

This application is for a transfer of a Class "A" Alcoholic Beverage License (authorizes the licensee to sell "on-sale" only.) from The Bowler, Inc. d/b/a The Bowler, due to ownership change, to be located at 2630 South University Drive, Fargo. The transfer is due to the death of the previous owner. A copy of the death certificate was attached to the application.

On October 5, 2021, I spoke to James R. Tandeski by phone. I asked James about his Endangering by Fire conviction in 2002. James said he was 18 years old at the time and he wasn't making good decisions. He was out driving around with friends, getting high and they decided to start some hay bales on fire out on a farm. James said he wasn't a good person when he was around 18 years old.

I also asked James about the 2013 Disorderly Conduct/Brawling or Fighting charge in Minnesota. James said he raced cars in a dirt track series and they were having their banquet in Fergus Falls. James stated he drank too much and said something to a female. He said he doesn't remember what it was, but it probably wasn't good. The bartender happened to be the female's boyfriend. A scuffle happened between James and the bartender. James was charged with assault which was later changed to disorderly conduct. James said he does not drink like that anymore. James has been managing The Bowler for about 13 years and he also manages Thunder Road.

The investigation into the criminal history of the applicants only found the above listed criminal activity involving James R. Tandeski. I did not find any issues with any of the applicants' credit.

Business Location

The Bowler is located at 2630 South University Drive, Fargo, ND. Other businesses in the area with an alcoholic beverage license include: Pepper's American Café, Royal Liquors & Woody's Bar, Bottle Barn Liquors, Happy Joe's Pizza and Fargo Cork.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

A handwritten signature in black ink, appearing to read "C. Montero".

NOTICE OF HEARING

HC

Application for Alcoholic Beverage License Transfer

Notice is hereby given that the Board of City Commissioners of the City of Fargo, North Dakota, will conduct a Public Hearing in the City Commission Room, City Hall, on Monday, November 1, 2021 at 5:15 o'clock p.m. to consider an application for transfer of a Class "A" Alcoholic Beverage License from International African Restaurant and Nightclub, LLC d/b/a International African Restaurant and Nightclub, to 518 Properties LLC d/b/a 518 Properties to be located at 4554 7 Ave S, Fargo.

Any interested person may appear and will be heard.

City Auditor's Office
(October 13, 2021)

MEMORANDUM

TO: Board of City Commissioners

FROM: Steven Sprague, City Auditor

SUBJECT: Liquor License Transfer – Africa Nightclub to 518 Properties (Tyler Brandt)

DATE: October 22, 2021

The following application for a liquor license transfer was received by the Auditor's office and reviewed by the Liquor Control Board:

License Class: A Full alcohol, no food sales required
Business Name: 518 Properties
Location: 4554 7th Avenue South
Applicants: Tyler Brandt, Daniel Hicks, Matthew Olson

This is the sale and transfer of the liquor license from African International Restaurant and Nightclub as directed by the City Commission September 20, 2021. A full time manager has yet to be named and the business concept is yet to be determined, the Liquor Control Board approved the transfer on the condition the full time manager and business concept are presented to the Liquor Control Board before the license is issued. The Liquor Control Board voted to approve the transfer of a Class A alcoholic beverage license from African International Restaurant and Nightclub LLC d/b/a African International Restaurant and Nightclub to 518 Properties LLC d/b/a 518 Properties to be located at 4554 7th Avenue South. The complete application is available for review in the Auditor's Office.

Recommended Motion:

Move to approve the transfer of a Class A alcoholic beverage license from African International Restaurant and Nightclub LLC d/b/a African International Restaurant and Nightclub to 518 Properties, LLC d/b/a 518 Properties to be located at 4554 7th Avenue South.



Fargo Police Department

To: Chief David Zibolski

From: Sergeant Carlos Nestler *CN*

Date: October 7, 2021

RE: Liquor License Transfer (518 Properties LLC; was International African Restaurant and Nightclub)

An application for transfer of a Class "A" Alcoholic Beverage License from International African Restaurant and Nightclub, LLC d/b/a International African Restaurant and Nightclub, to 518 Properties LLC d/b/a 518 Properties to be located at 4554 7 Avenue South, Fargo

In accordance with Section 25-1505 of the Fargo Municipal Code, I have conducted an investigation into the character, reputation and fitness of the applicant(s) listed on the supplied application.

During this investigation I examined the applicants' credit reports and public records criminal backgrounds.

The following information was discovered through this investigation:

Brandt, Tyler Allen - Owner

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (<https://chs.state.mn.us/>) showed no criminal activity. Arizona Judicial Branch Public Records (<https://apps.supremecourt.az.gov/publicaccess>) showed:

A December 1st, 2019 disorderly conduct which appeared to have a guilty plea in August of 2020, which was later dismissed by Scottsdale City Court Attorney (2/2/2021). Disclosed in a previous application before the charge was officially dismissed. Not disclosed in this application since it is no longer considered a conviction.

Credit History-

Tyler A. Brandt's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.



Fargo Police Department

Hicks, Daniel Thomas – Owner/Manager (temporary)

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov) and Minnesota public records (<https://chs.state.mn.us/>) showed the following criminal activity:

- May 2004 MIP in Fargo Municipal Court
- Not disclosed in the application (see Investigation Notes below)

Credit History-

Daniel T. Hicks' credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.

Olson, Matthew Richard – Owner

Criminal History-

A search of Fargo Police Department criminal records, North Dakota public records (publicsearch.ndcourts.gov), Minnesota public records (<https://chs.state.mn.us/>) showed no criminal activity.

Credit History-

Matthew R. Olson's credit report was reviewed. There are no prior bankruptcies, past due accounts or debts turned over to collections.



Fargo Police Department

Investigation Notes

This application is for a transfer of a class "A" liquor license (authorizes the licensee to sell "on-sale" only.) from International African Restaurant and Nightclub LLC d/b/a International African Restaurant to 518 Properties LLC d/b/a 518 Properties to be located at 4554 7 Avenue South, Fargo.

I talked to Tyler Brandt on October 6, 2021. Mr. Brandt explained they are currently in the process of finding a professional bar manager, but they are not done with the hiring process yet. Until they hire a manager, Daniel Hicks will serve as the temporary manager. Once the manager is selected, a background check will need to be completed on the new manager.

I spoke to Daniel Hicks by phone on October 7, 2021. Mr. Hicks confirmed he will be the acting manager until a full time manager is hired. I told Mr. Hicks he checked the "No" box for the following question on the application: "Have you ever been convicted, plead guilty, or plead "no contest" to any law of the U.S., or any state, or of any local ordinance (other than traffic)?" He stated he checked the "No" box. I asked him about his 2004 conviction for Minor in Possession of alcohol. He stated it was so long ago, he forgot about it. He said he was under 21 (he was 18) at the time and he just didn't remember it, so he did not put it on the application.

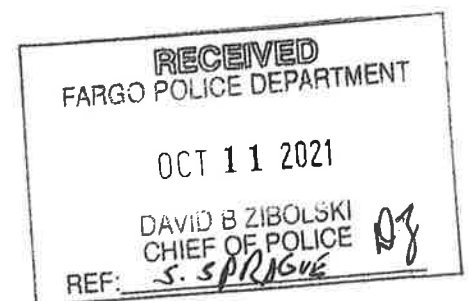
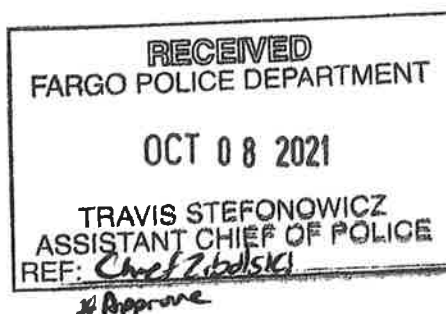
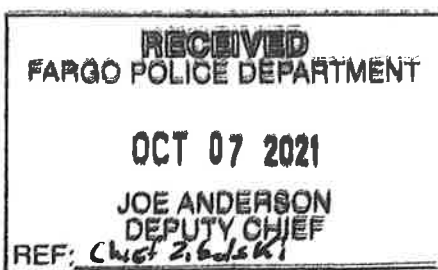
Business Location

518 Properties LLC is located at 4554 7 Avenue South in Fargo, ND. Other businesses in the area with an alcoholic beverage license include: Panchero's Mexican Grill and Passage to India.

Conclusion

This background investigation is being forwarded for your review and recommendation to the City of Fargo Liquor Control Board.

C. Norton



City of Fargo Staff Report			
Title:	Reeves Addition	Date: Update:	9/29/2021 10/28/2021
Location:	4 & 5 14th Street North, 9 & 19 14 ½ Street North, and 1418 1st Avenue North	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Lots 19-24, Block 21; all of Lots 1-16, 20-23, and 25-34, and portions of Lots 19 and 24, and the vacated alley, Block 22, Reeves Addition.		
Owner(s)/Applicant:	Meinecke Johnson Company; Gary Rinehart; Foxville, Inc / Jesse Craig	Engineer:	None
Entitlements Requested:	Zone Change (from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay);		
Status:	City Commission Public Hearing: November 1st, 2021		

Existing	Proposed
Land Use: Vacant; industrial; storage	Land Use: Industrial; Residential
Zoning: LI, Limited Industrial	Zoning: DMU, Downtown Mixed Use with a C-O, Conditional Overlay
Uses Allowed: LI – Limited Industrial. Allows colleges, community service, daycare centers of unlimited size, detention facilities, health care facilities, parks and open space, religious institutions, safety services, adult entertainment centers, offices, off-premise advertising, commercial parking, outdoor recreation and entertainment, retail sales and service, self storage, vehicle repair, limited vehicle service, industrial service, manufacturing and production, warehouse and freight movement, wholesale sales, aviation, surface transportation.	Uses Allowed: DMU – Downtown Mixed Use. Allows detached houses, attached houses, duplexes, multi-dwelling structures, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off-premise advertising, commercial parking, retail sales and service, vehicle repair, limited vehicle service, and major entertainment events with Conditional Overlay which restricts some uses and provides site and building design guidelines
Maximum Lot Coverage Allowed: 85%	Maximum Lot Coverage Allowed: 75% (conditional overlay)

Proposal:

The applicant requests one entitlement:

1. A zoning change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

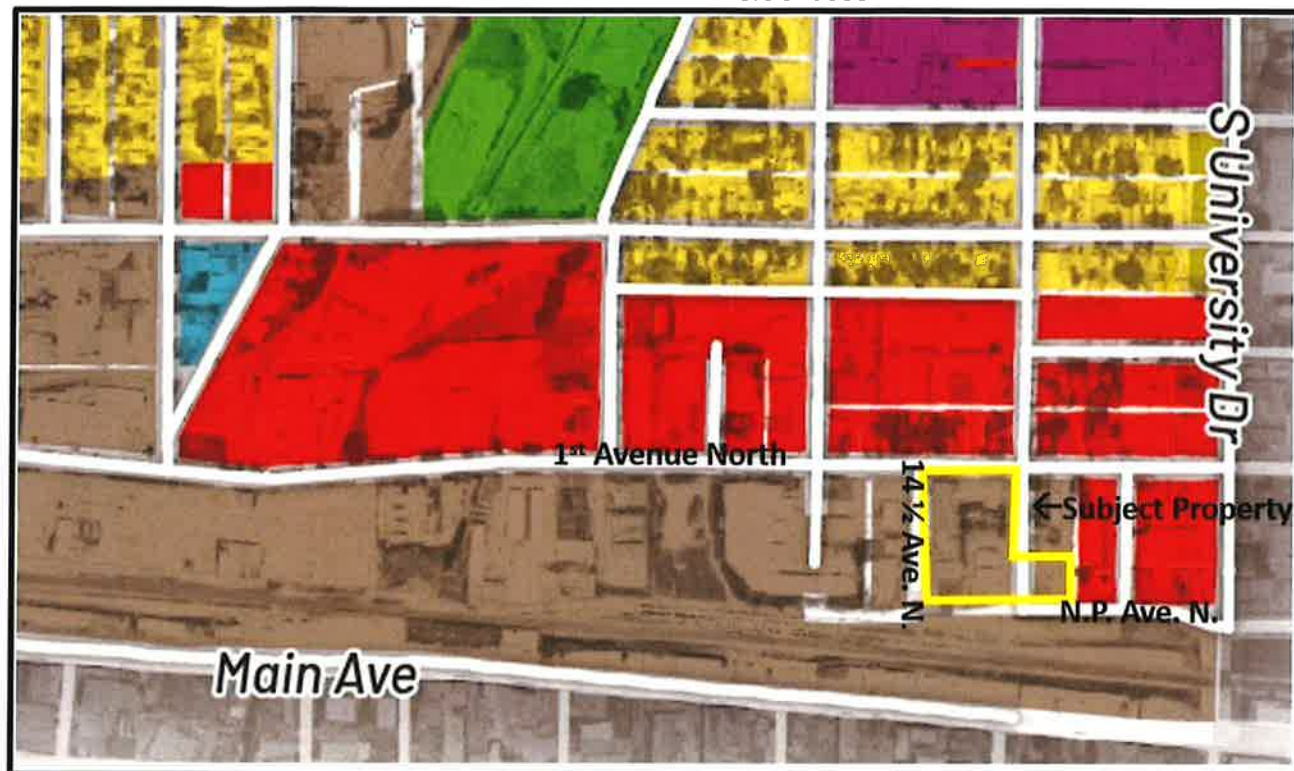
Surrounding Land Uses and Zoning Districts:

- North: GC, General Commercial and LI, Limited Industrial with industrial, commercial, and residential uses
- East: LI with industrial uses and residential uses
- South: GC with BNSF railroad right of way
- West: LI with industrial uses

Area Plans:

The subject property is located within the Madison / Unicorn Park area of the recently adopted Core Neighborhoods Plan. That plan designates the area of the subject properties as "industrial," though the Plan's land use descriptions note that, even in areas designated "industrial," opportunities may exist in

some areas for mixed-use and some residential and commercial uses.



FUTURE LAND USE MAP

 Single-Family Residential	 Industrial/Warehousing
 Multi-Family Residential	 Park, Open Space and Trails
 Institutional	 Commercial
 Schools with recreational amenities	 Mixed Use Neighborhood Commercial

Context:

Schools: The subject property is located within the Fargo School District and is served by Roosevelt Elementary, Ben Franklin Middle and North High schools.

Neighborhood: The subject property is located in the Madison / Unicorn Park neighborhood

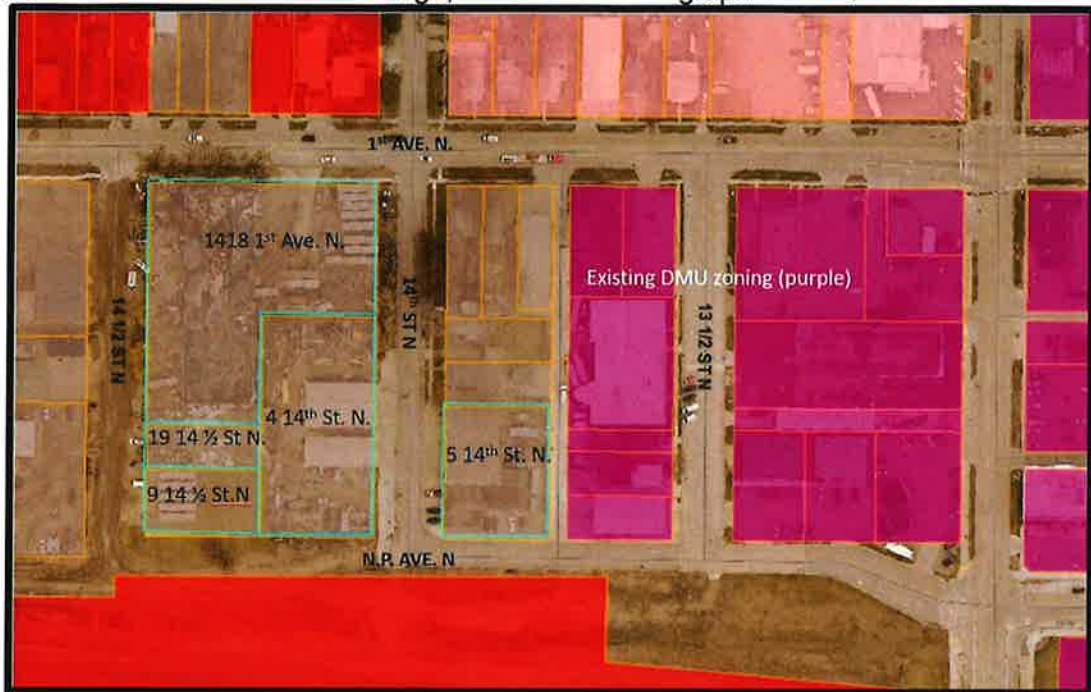
Parks: Unicorn Park (1603 3rd Avenue North) is located approximately 0.30 miles northwest of the subject property and offers basketball courts, grill and picnic tables, a playground, recreational trails and a warming house.

Pedestrian / Bicycle: There are no trails adjacent to the subject property.

(continued on next page)

Staff Analysis:

Five properties are included in this zone change, as outlined in the graphic below.



They are all currently zoned LI, Limited Industrial. All are proposed to be rezoned to DMU. The properties at 1418 1st Avenue North and 19 14 ½ Street North are intended for redevelopment; the properties at 4 and 5 14th Street North and 9 14 ½ Street North are a currently operating business and are included in the zone change in order to create continuity with the existing DMU zoning.

The applicant is proposing a high-density residential building. Planning staff generally supports high density infill development, where such development is appropriate to the neighborhood context, as such development is an initiative of the Go2030 plan. The Land Development Code does not, at this time, have a high-density zoning option outside of the DMU and UMU zones, nor any zoning specifically for corridors leading to downtown such as 1st Avenue North. The conditional overlay is proposed to be added to the DMU zoning for these properties to create such a zone for this portion of 1st Avenue North, a corridor to downtown that is rapidly evolving from a largely industrial to a much more commercial corridor with some residential uses, as well.

The proposed conditional overlay modifies certain aspects of the DMU zone, recognizing that the subject property's location along the 1st Avenue North corridor is a somewhat different situation than a DMU zoned property in the heart of downtown Fargo.

A copy of the draft conditional overlay is attached.

STORMWATER: Properties in the downtown area that was originally zoned DMU in 1998 are exempt from stormwater requirements. However, this exemption does not apply to properties subsequently zoned DMU outside of that original DMU area. Thus, the exemption does not apply to the subject properties.

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

Staff is unaware of any error in the zoning map as it relates to this property. The subject property is currently zoned LI, Limited Industrial. The zone change creates a zoning appropriate to the proposed high-density residential development along the evolving 1st Avenue North corridor to downtown. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject properties front on existing, developed public rights-of-way which provide access and public utilities to serve the development. Public water and sewer are installed in 14 ½ Street North, which is dedicated public right of way. It is expected that this street and a portion of NP Avenue on the south side of the subject properties will be paved in the near future. **(Criteria satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property. To date, Planning staff has received and responded to one inquiry. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The subject property is not located within a growth plan. The zone change creates a zoning appropriate to the proposed high-density residential development along the evolving 1st Avenue North corridor to downtown, in order to facilitate this infill project. Such infill is an initiative of the Go2030 Comprehensive Plan. The Core Neighborhoods Plan—Madison / Unicorn Park Area notes that, though this area is generally designated for industrial land use, opportunities exist for some mixed use, residential, and commercial development. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading, and approve the proposed zone change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC and the Go2030 Comprehensive Plan."

Planning Commission Recommendation: October 5, 2021

At the October 5, 2021 Planning Commission hearing, by a vote of 6-0 with two Commissioners absent and three Commission seats vacant, that Commission moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone change from LI, Limited Industrial to DMU, Downtown Mixed Use with a C-O, Conditional Overlay as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC and the Go2030 Comprehensive Plan

Attachments:

1. Location Map
2. Zoning Map
3. Draft conditional overlay

Zone Change (LI to DMU with a C-O)

4 & 5 14th Street N; 9 & 19 14 1/2 Street N;
1418 1st Avenue N

Reeves Addition



Legend

AG	DMU	LC	MHP	SPB-2
GO	GOC	MRR-1	NOC	SPB-3
GO	MR-2	MR-3	PI	SPB-4
			UMU	SPB-5
				City Limits

200

Feet

Zone Change (LI to DMU with a C-O)

4 & 5 14th Street N; 9 & 19 14 1/2 Street N;
1418 1st Avenue N

Reeves Addition



Legend

AG	DMU	LC	MHP	SPR-2
GC	GL	MR-1	NC	SPR-3
GO	MR-2	MR-3	P/I	SPR-4
			UMU	SPR-5
				City Limits

200

Feet

Lots 19-24, Block 21; all of Lots 1-16, 20-23, and 25-34, and portions of Lots 19 and 24, and the vacated alley, Block 22, **Reeves Addition**.

1. Building Siting and Design

The standards of this subsection apply to all development. These standards are intended to promote an attractive and long-lasting investment.

a. Building Orientation

- (1) At least one primary building entry shall face a public street.
- (2) The building shall be designed to have all exterior walls with equal design consideration, to include materials, color, articulation and general aesthetics for the purpose of access and appreciation by the general public.
- (3) Building elevations that face a public street shall have at least 15 percent of the wall facing the street consist of windows or entrance areas.

b. Materials

- (1) All walls shall be finished with architectural materials such as brick, glass, stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g. dryvit), seamless steel siding with a ceramic hybrid paint finish, fiber cement siding, or curtain walls. Building elevation materials shall be commercial grade, durable, and have a multi-generational life span.
- (2) The following materials may not be used other than for purposes of providing accent: insulated metal panels; wood-based materials; asphalt; and decorated concrete block. When these materials are used, the materials must be of commercial grade.
- (3) The following materials shall not be used on walls that are visible from the street: non-residential grade metal siding; non-residential grade wood-based materials; asphalt; concrete blocks or cinder blocks
- (4) The use of architectural metal panels and wood panels for enclosure of mechanical equipment shall be permitted.
- (5) Mirrored glass or one-way glass with a reflectance of greater than 40 percent shall be prohibited from covering more than 40 percent of exterior walls.

c. Ground-Floor Transparency

At least 25 percent of the ground-floor façade of buildings along public streets must be comprised of windows, doors and other transparent elements (e.g. glass block). Calculations shall be based on the total square feet of the elevation of the ground floor. Existing buildings along sidewalks to which interior renovations or structural improvements are proposed shall be excluded from this requirement only if they do not already meet the 25 percent transparency requirement. In those cases, the transparency requirement shall meet or exceed the percentage of ground floor transparency provided by the existing structure; in no case shall the existing transparency be reduced.

d. Articulation

(1) Offsets

- i. As to building elevation walls, as visible above ground, that are longer than 100 feet wall plane projections or recesses having a depth of at least two feet and extending for a minimum of 25% of the length of such walls must be incorporated into the building design.

ii. As to building heights taller than 35 feet horizontal design features on the building's façade must be incorporated into the building design. Examples of horizontal design features include awnings, canopies, transoms, moldings, balconies, wainscoting or changes in color or texture.

(2) Architectural features

i. The building design shall include integrated design features to avoid monotony, to create visual interest, and to enhance the pedestrian scale all of which is to be designed to create compatibility with the surrounding neighborhood. Examples of features to be included are:

- a. Arcades
- b. Cornices
- c. Eaves
- d. Bow, bay, arched, oval, or gable windows
- e. Shutters
- f. Arched entries, balconies or breezeway entrances
- g. Stone or brick accent walls
- h. Decorative stone or brick banding
- i. Decorative tiles
- j. Verandas, porches, balconies or decks
- k. Projected walls or dormers
- l. Variation of roof lines
- m. Decorative caps or chimneys

e. Accessory Uses:

(1) The accessory use standards set forth in Fargo Land Development Code Section 20-0403 apply.

(2) The following additional design standards shall apply to accessory structures

- i. Accessory building setbacks shall meet the development standards of primary buildings as required in Fargo Land Development Code Section 20-0501.
- ii. Accessory building elevation materials shall match the primary building materials.
- iii. Accessory buildings may be located in rear yards and/or side yards only. Accessory buildings are not permitted in the front or street-side yard.
- iv. Garage doors on accessory structures may not exceed a width of 20 feet.
- v. Separate garage structures may be no more than 60 feet in length on the longest side of the building.
- vi. Multiple accessory buildings adjacent to each other shall have a building separation of 10 feet.

f. Parking Structure Screening

A fence, wall or landscape buffer shall be provided to partially screen surface level parking lots from public

rights-of-way excluding alleys. Walls at least 2 ½ feet tall and shall be constructed with materials and details similar to or compatible with those of the structures in the surrounding area. Opaque screening materials; such as, fences or plants at least 2 ½ feet tall may be used in lieu of a solid wall.

g. Minimum Residential Density

The minimum residential density shall be 18 dwelling units per acre.

h. Building Setbacks

The minimum building setbacks shall be:

Front—10 feet

Interior side—5 feet

Street side—10 feet

Rear—10 feet

i. Building Coverage

The maximum building coverage shall be 75% of the total lot area.

j. Prohibited Uses

1. Off-premise advertising

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

4162

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND
LYING IN REEVES ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Reeves Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on October 5, 2021; and,

WHEREAS, the rezoning changes were approved by the City Commission on November 1, 2021,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

Lots Nineteen (19) through Twenty-Four (24), Block Twenty-one (21); all of Lots One (1) through Sixteen (16), Twenty (20) through Twenty-three (23), and Twenty-five (25) through Thirty-four (34), and portions of Lots Nineteen (19) and Twenty-four (24), and the vacated alley, Block Twenty-two (22), of Reeves Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "LI", Limited Industrial, District, to "DMU", Downtown Mixed Use with a "C-O", Conditional Overlay, District as follows:

1. Building Siting and Design.

The standards of this subsection apply to all development. These standards are intended to promote an attractive and long-lasting investment.

a. Building Orientation.

(1) At least one primary building entry shall face a public street.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 (2) The building shall be designed to have all exterior walls with equal design
2 consideration, to include materials, color, articulation and general aesthetics for
3 the purpose of access and appreciation by the general public.

4 (3) Building elevations that face a public street shall have at least 15 percent of
5 the wall facing the street consist of windows or entrance areas.

6 **b. Materials.**

7 (1) All walls shall be finished with architectural materials such as brick, glass,
8 stone, ceramic, stucco, precast panels, exterior insulation finish systems (e.g.,
9 dryvit), seamless steel siding with a ceramic hybrid paint finish, fiber cement
10 siding, or curtain walls. Building elevation materials shall be commercial grade,
11 durable, and have a multi-generational life span.

12 (2) The following materials may not be used other than for purposes of providing
13 accent: insulated metal panels; wood-based materials; asphalt; and decorated
14 concrete block. When these materials are used, the materials must be of
15 commercial grade.

16 (3) The following materials shall not be used on walls that are visible from the
17 street: non-residential grade metal siding; non-residential grade wood-based
18 materials; asphalt; concrete blocks or cinder blocks.

19 (4) The use of architectural metal panels and wood panels for enclosure of
20 mechanical equipment shall be permitted.

21 (5) Mirrored glass or one-way glass with a reflectance of greater than 40 percent
22 shall be prohibited from covering more than 40 percent of exterior walls.

23 **c. Ground-Floor Transparency.**

At least 25 percent of the ground-floor façade of buildings along public streets shall be comprised of windows, doors and other transparent elements (e.g., glass block). Calculations shall be based on the total square foot of the elevation of the ground floor. Existing buildings along sidewalks to which interior renovations or structural improvements are proposed shall be excluded from this requirement only if they do not already meet the 25 percent transparency requirement. In those cases, the transparency requirement shall meet or exceed the percentage of ground floor transparency provided by the existing structure; in no case shall the existing transparency be reduced.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

d. Articulation.

(1) Offsets

i. Visible above-ground building elevation walls that are longer than 100 feet wall plane projections or recesses having a depth of at least two (2) feet and extending for a minimum of 25 percent of the length of such walls must be incorporated into the building design.

ii. As to building heights taller than 35 feet horizontal design features on the building's façade must be incorporated into the building design. Examples of horizontal design features include awnings, canopies, transoms, moldings, balconies, wainscoting or changes in color or texture.

(2) Architectural features

i. The building design shall include integrated design features to avoid monotony, to create visual interest, and to enhance the pedestrian scale all of which is to be designed to create compatibility with the surrounding neighborhood. Examples of features to be included are:

- a. Arcades;
- b. Cornices;
- c. Eaves;
- d. Bow, bay, arched, oval, or gable windows;
- e. Shutters;
- f. Arched entries, balconies or breezeway entrances;
- g. Stone or brick accent walls;
- h. Decorative stone or brick banding;
- i. Decorative tiles;
- j. Verandas, porches, balconies or decks;
- k. Projected walls or dormers;

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

l. Variation of roof lines; and

m. Decorative caps or chimneys.

e. Accessory Uses.

(1) The accessory use standards set forth in Section 20-0403 of the Fargo Land Development Code shall apply.

(2) The following additional design standards shall apply to accessory structures:

i. Accessory building setbacks shall meet the development standards of primary buildings as is required in Section 20-0501 of the Fargo Land Development Code.

ii. Accessory building elevation materials shall match the primary building materials.

iii. Accessory buildings may be located in rear yards and/or side yards only. Accessory buildings are not permitted in the front or street-side yard.

iv. Garage doors on accessory structures may not exceed a width of 20 feet.

v. Separate garage structures may be no more than 60 feet in length on the longest side of the building.

vi. Multiple accessory buildings adjacent to each other shall have a building separation of 10 feet.

f. Parking Structure Screening.

A fence, wall or landscape buffer shall be provided to partially screen surface level parking lots from public rights-of-way excluding alleys. Walls shall be at least 2 ½ feet tall and shall be constructed with materials and details similar to or compatible with those of the structures in the surrounding area. Opaque screening materials, such as fences or plants at least 2 ½ feet tall may be used in lieu of a solid wall.

g. Minimum Residential Density.

The minimum residential density shall be 18 dwelling units per acre.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

h. Building Setbacks.

The minimum building setbacks shall be:

- i. Front: 10 feet
- ii. Interior side: 5 feet
- iii. Street side: 10 feet
- iv. Rear: 10 feet

i. Building Coverage.

The maximum building coverage shall be 75 percent of the total lot area.

j. Prohibited Uses.

- (1) Off-premise advertising

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

Attest:

Steven Sprague, City Auditor

Dr. Timothy J. Mahoney, M.D., Mayor

First Reading:
Second Reading:
Final Passage:

City of Fargo Staff Report			
Title:	Oak Manor Second Addition	Date:	9/29/2021
		Update:	10/28/2021
Location:	2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316 and 2318 15th Street South; 1408 Oak Manor Avenue South; and 1401 and 1405 25th Avenue South	Staff Contact:	Donald Kress, planning coordinator
Legal Description:	Portions of Lot 1, Block, 1, Oak Manor Second Addition.		
Owner(s)/Applicant:	Several individual owners / City-initiated zone change	Engineer:	None
Entitlements Requested:	Zone Change (from LC Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential)		
Status:	City Commission Public Hearing: November 1st, 2021		

Existing	Proposed
Land Use: Residential	Land Use: Residential
Zoning: LC, Limited Commercial	Zoning: MR-1, Multi-Dwelling Residential; MR-3, Multi-Dwelling Residential
Uses Allowed: LC – Limited Commercial. Allows colleges, community service, daycare centers of unlimited size, health care facilities, parks and open space, religious institutions, safety services, offices, off premise advertising signs, commercial parking, retail sales and service, self service storage, vehicle repair, limited vehicle service.	Uses Allowed: MR-1 Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children, group living, parks and open space, religious institutions, safety services, schools, and basic utilities MR-3, Multi-Dwelling allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.
Maximum Lot Coverage Allowed: 55%	Maximum Residential Density Allowed: 16 dwelling units per acre (MR-1); 24 dwelling units per acre (MR-3)

Proposal:

The applicant requests one entitlement:

1. A zoning change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

Surrounding Land Uses and Zoning Districts:

- North: LC with commercial uses; MR-2, Multi-Dwelling Residential with a multi-dwelling residential building
- East: LC, with commercial uses (Burger King and Dakota Tire) (redevelopment pending)
- South: MR-3, with multi-dwelling residential buildings
- West: SR-3, Single-Dwelling Residential, with twinhomes across 15th Street South and MR-1, Multi-Dwelling Residential with multi-dwelling residential buildings

Area Plans:

The subject property is not located within a growth plan or area plan.

Context:

Schools: The subject properties are located within the Fargo School District and is served by Lincoln Elementary, Carl Ben Eielson Middle and South High schools.

Neighborhood: The subject properties are located in the Brunsdale neighborhood

Parks: Lincoln Park (2120 9th Street South), is approximately 0.30 miles east of the subject properties, and provides amenities of baseball/softball fields, basketball court, multipurpose field, playground for ages 5-12, and warming houses, outdoor skating and hockey rinks in the winter.

Pedestrian / Bicycle: There are no trails adjacent to the subject property.

Staff Analysis:

This is a City-initiated zone change. This proposed zone change includes three properties that are portions of Lot 1, Block 1, Oak Manor 2nd Addition. These properties are outlined in the graphic below.

These properties, though they are developed with residential units (apartments and condominiums), are in the LC, Limited Commercial zoning district. There is no commercial component to these buildings. When these residential buildings were built (between 1973 and 1977), the property was zoned commercial under the previous (1965) zoning ordinance. As depicted in the graphic below, one portion of this lot was rezoned to MR-1 from LC (2006). The proposed zone change completes the rezone of these properties from commercial to residential zoning, as the residential zoning is more appropriate for the actual development on this property than the commercial zoning.

The properties are proposed to be rezoned to either MR-1 or MR-3 depending on the residential density on the lot. MR-1 allows a maximum density of 16 dwelling units per acre, while MR-3 allows a maximum of 24 dwelling units per acre. Note that the zoning relates to the existing development; no additional residential units are being proposed on these properties.



As noted above, this is a City-initiated zone change. The City occasionally initiates zone changes to change the zoning of certain areas to be consistent with the actual development on the property. Planning staff hosted two meetings on Thursday, August 26th, 2021 to meet with residents to discuss this zone change. There is no cost to the residents for this zone change, and the zone change will not affect their ownership of the property.

Zoning

Section 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?

The City has initiated this zone change to make the zoning on the subject properties consistent with the actual development on this property. **(Criteria Satisfied)**

2. Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?

City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject properties are already developed. The existing, developed public rights-of-way provide access and public utilities to serve the development. **(Criteria satisfied)**

3. Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?

Staff has no documentation or evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. Written notice of the proposal was sent to all property owners within 300 feet of the subject property as well as the current residents of the subject property. To date, Planning staff has received no comments or inquiries since the public meetings referred to above. Staff finds that the approval of the zoning change will not adversely affect the condition or value of the property in the vicinity. **(Criteria satisfied)**

4. Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?

The LDC states "This Land Development Code is intended to implement Fargo's Comprehensive Plan and related policies in a manner that protects the health, safety, and general welfare of the citizens of Fargo." The subject properties are not located within any growth plan. The intent of this zone change is to make the zoning on these properties consistent with the existing development on the properties. Staff finds this proposal is consistent with the purpose of the LDC and other adopted policies of the City. **(Criteria satisfied)**

Staff Recommendation:

Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading approve the proposed zone change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling Residential on portions of Lot 1, Block 1, Oak Manor Second Addition, as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC."

Planning Commission Recommendation: October 5, 2021

At the October 5, 2021 Planning Commission hearing, that Commission, by a vote of 6-0 with two Commissioners absent and three Commission seats vacant, moved to accept the findings and recommendations of staff and recommended approval to the City Commission of the proposed zone change from LC, Limited Commercial to MR-1, Multi-Dwelling Residential and MR-3, Multi-Dwelling

Residential on portions of Lot 1, Block 1, Oak Manor Second Addition, as the proposal complies with the standards of Section 20-0906.F (1-4) of the LDC and all other applicable requirements of the LDC.

Attachments:

- | |
|---|
| <ol style="list-style-type: none">1. Location Map2. Zoning Map |
|---|

Zone Change (LC to MR-1 and MR-3)

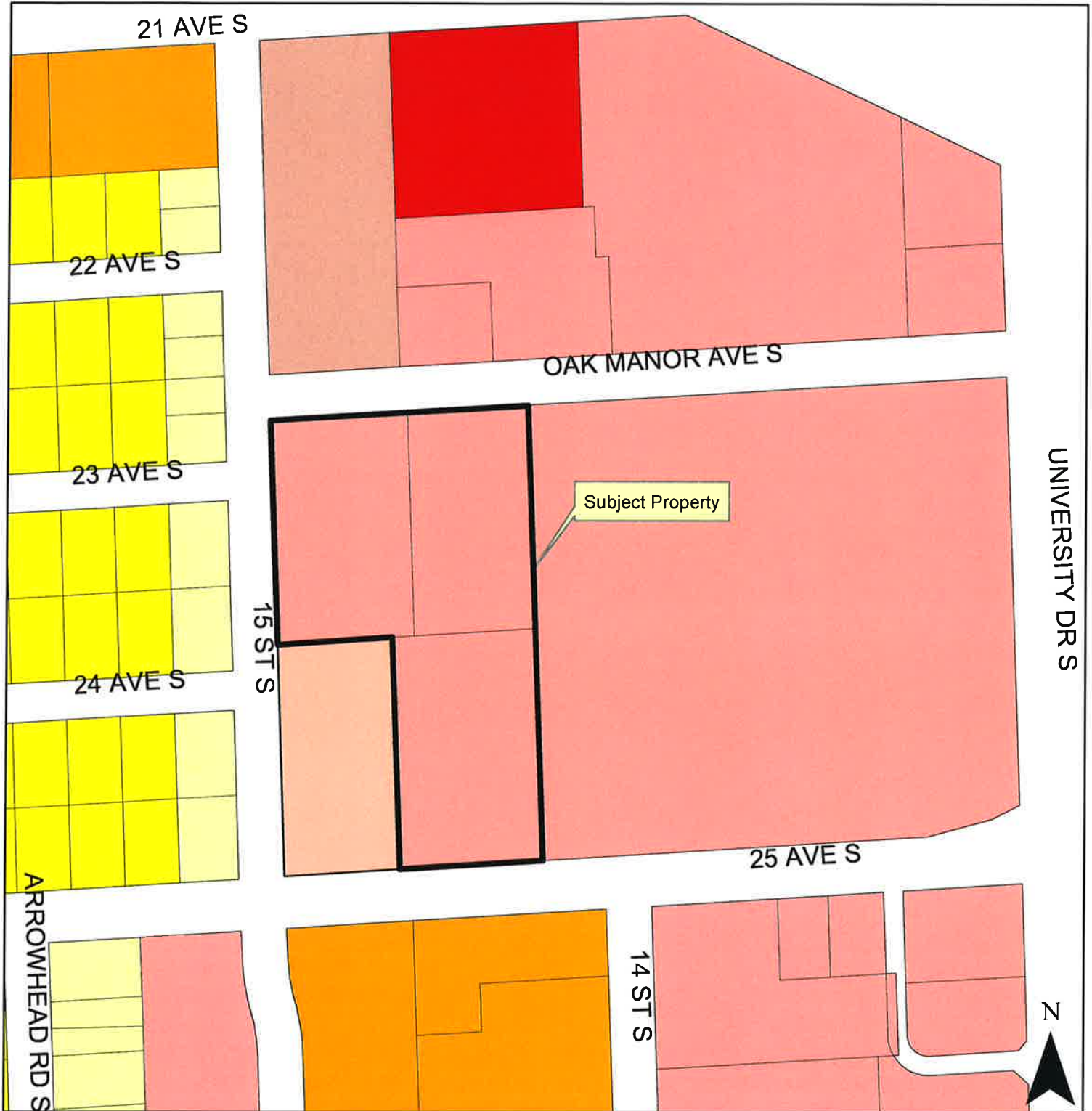
1401 & 1405 25th Avenue S; 1408 Oak Manor Avenue S;

Oak Manor 2nd Addition 2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316, & 2318 15th Street S



Zone Change (LC to MR-1 and MR-3)

Oak Manor 2nd Addition 1401 & 1405 25th Avenue S; 1408 Oak Manor Avenue S;
2302, 2304, 2306, 2308, 2310, 2312, 2314, 2316, & 2318 15th Street S



OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

412

AN ORDINANCE REZONING A CERTAIN PARCEL
OF LAND LYING IN OAK MANOR SECOND ADDITION
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in the proposed Oak Manor Second Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on October 5, 2021; and,

WHEREAS, the rezoning changes were approved by the City Commission on November 1, 2021,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

West 210 ft of North 342 ft of Lot One (1), Block One (1) of Oak Manor Second Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "LC", Limited Commercial, District to "MR-1", Multi-Dwelling Residential, District.

Section 2. The following described property:

East 185.18 ft of North 342 ft and East 220.18 ft of South 354.85 ft of Lot One (1), Block One (1) of Oak Manor Second Addition to the City of Fargo, Cass County, North Dakota;

is hereby rezoned from "LC", Limited Commercial, District to "MR-3", Multi-Dwelling Residential, District.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 Section 3. The City Auditor is hereby directed to amend the zoning map now on file in his
2 office so as to conform with and carry out the provisions of this ordinance.

3 Section 4. This ordinance shall be in full force and effect from and after its passage and
4 approval.

5
6 (SEAL)

Timothy J. Mahoney, M.D., Mayor

7 Attest:


8
9
10 _____
Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:

43

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY J. MAHONEY 

DATE: NOVEMBER 1, 2021

SUBJECT: FMWF CHAMBER – LAND LEASE REQUEST

Please find attached a letter I received from the FMWF Chamber requesting consideration of a long-term land lease at 2001 44th Street South. The property is owned by the City and adjacent to the Fargo-Moorhead Convention and Visitor's Bureau. The purpose of the long-term lease is to allow the FMWF Chamber to construct a new office space to house the FMWF Chamber and other potential business partners. I would appreciate the Commission's support in directing staff to look into the possibility of a long-term lease to the FMWF Chamber for the purposes of constructing and operating new office space at 2001 44th Avenue South.

SUGGESTED MOTION: To direct appropriate staff to look into the possibility of a long-term lease agreement with the FMWF Chamber of Commerce for City-owned land at 2001 44th Avenue South.

C: James Gilmour, Director of Strategic Planning and Research
Erik Johnson, City Attorney



October 14, 2021

Mayor Tim Mahoney
City of Fargo
225 4th Street North
Fargo, ND 58102

Dear Mayor Mahoney:

On behalf of the Board of Directors of the Fargo Moorhead West Fargo Chamber, I would like to formally and respectfully request time on the Fargo City Commission's November 1st City Commission meeting agenda to discuss a potential building development opportunity for a business resource hub.

The Chamber is thankful for the strong partnership we have with the City of Fargo and looks forward to many future collaborations. One such opportunity has surfaced in The Chamber's search for office space. Currently, The Chamber resides in the Hjemkomst Center in Moorhead. Although the space has served us well, our team is now growing and we are in need of a larger office space. Upon issuing a formal RFP regarding office space, we have been in discussions with the Fargo-Moorhead Convention & Visitors Bureau as well as City of Fargo leadership on the potential to engage in a long-term lease for land with the City of Fargo on the property located at 2001 44th Street South. The Chamber would build a roughly 10,000-14,000 sq ft space on the land to include Chamber office space, programming and landing space for businesses to use for meetings and growth opportunities, and additional office space for other business support tenants such as the EDC, SBA, Small Business Association. This location would increase collaboration between The Chamber, CVB and other business support tenants who may occupy the building. The overall vision is to have a centralized business support hub to serve all businesses – large and small businesses, minority-owned and second-stage growth companies.

Thank you for your consideration of this request. I look forward to the opportunity to discuss this exciting building development opportunity with the Commission.

Sincerely,

Shannon Full
President/CEO
Fargo Moorhead West Fargo Chamber of Commerce



Background:

The Fargo Moorhead West Fargo Chamber has been in operation as a merged organization since 1998 and has been located in the Hjemkomst Center since that time. Through the years, the chamber has played a critical role in the growth and prosperity of this region. With over 1980 members now, the chamber continues to thrive and grow. The chamber serves as a catalyst for growth and prosperity for businesses, individuals and the region as a whole.

In order to respond to the increasing demands and opportunities, the chamber is seeking new building space for expansion. The chamber Board of Directors has been undergoing a significant due diligence process including exploration of expansion of our current site, a formal RFP to the community for new opportunities, a formal overlay of our current members to identify growth in the region, etc.

The board has assembled a list of priorities that were included in the formal RFP.

Chamber Priorities:

1) Vision

- a. Create a new space that is forward-thinking, solution-based and can serve multiple purposes including:
 - i. Business Resource Hub which will be a physical space for business growth and collaboration
 - ii. A collaboration/innovation space where aligned-mission organizations can co-exist (examples include EDC, SBA, SBDC, NDWBA, SCORE, etc.)
 - iii. A collaboration/innovation space for growing companies – co-working, makers space, etc.

2) Financial

- a. Buy/Build not Lease – allows for utilization of the proceeds from the sale of the previous building, allows for the chamber to have a similar monthly outlay of cash as our current scenario
- b. Total investment will include up to \$1.5 million in reserves, \$500,000 mortgage, and in-kind services and materials

3) Location

- a. Centralized to member base – Please reference the membership overlay document in your packet of materials.
- b. Ease of access - Parking, easy to navigate

4) Size

- a. Enough space to accommodate future growth
- b. 10,000-15,000 sq ft (includes programming space for up to 100)

Promoting economic growth and prosperity for business and its members through advocacy, education and engagement.

202 First Avenue North, Moorhead MN ■ fmwfcchamber.com ■ 218.233.1100 ■ P.O. Box 2443, Fargo ND 58108-2443



- c. Offices and board room, conference rooms, collaboration space

5) Timing

- a. Sense of urgency as current space is not conducive to current or future needs
- b. Ideal construction to begin Spring 2022 with a 1-year construction cycle

6) Visibility

- a. Strong visibility to our members, other businesses and the public
- b. Good signage

There were 21 responses to the RFP but none of them reflected the creative nature or the alignment to the chamber priorities as well as this opportunity to co-locate on the same property as the Fargo-Moorhead CVB.

The proposal, you are seeing before you tonight, features numerous benefits including:

- Creates new synergies between the CVB and the Chamber.
- A Business Resource Hub that will serve businesses as they grow and expand.
- The Hub could serve as a co-location center for organizations like the Chamber, EDC, SBA, SBDC, NDWBA, and others.
- The 10,000-15,000 sq foot building will drastically increase value of the city property.
- The new building will create new tax base that currently does not exist on this property.
- Positions this property as a central hub for both visitor and business activity.

The CVB Board of Directors supports the project and looks forward to the synergy this will create. You will find their support letter in the packet of information.

The formal request to the City is to have appropriate city staff draft a long-term lease agreement that reflects the desired interests of the city and the chamber.

June 22, 2021

Sandi Piatz, Chair
The Chamber of FMWF
202 First Avenue North
Moorhead, MN 56560

Dear Chair Piatz and Chamber Board Members:

Fargo-Moorhead CVB Board Chair Tom Kasper and I recently met with Shannon Full, Jim Parsons, Kevin Christianson and Kevin's co-worker, Blake Carlson, to discuss the possibility of finding space for the Chamber to build new headquarters on the FMCVB Visitor Center grounds. While the talks are preliminary, we all agreed that co-location of the Chamber on the CVB grounds was worth continued discussion.

Since the City Fargo owns the property and building housing the FMCVB I agreed to meet with Mayor Mahoney and City Administrator Bruce Grubb to find out if they had any early concerns. They did not but asked that we keep them posted as talks progressed. If we get to the point of having a detailed plan, we—and specifically The Chamber—will have to approach the City again to find out which departments have to be involved and what kind of property lease agreement the City would seek with the Chamber.

Mr. Kasper and I will bring the FMCVB Board up to date on these preliminary talks at our next meeting, Wednesday, June 30.

Sincerely,



President & CEO

**Fargo-Moorhead
Convention & Visitors Bureau**

2001 44th St S
Fargo ND 58103

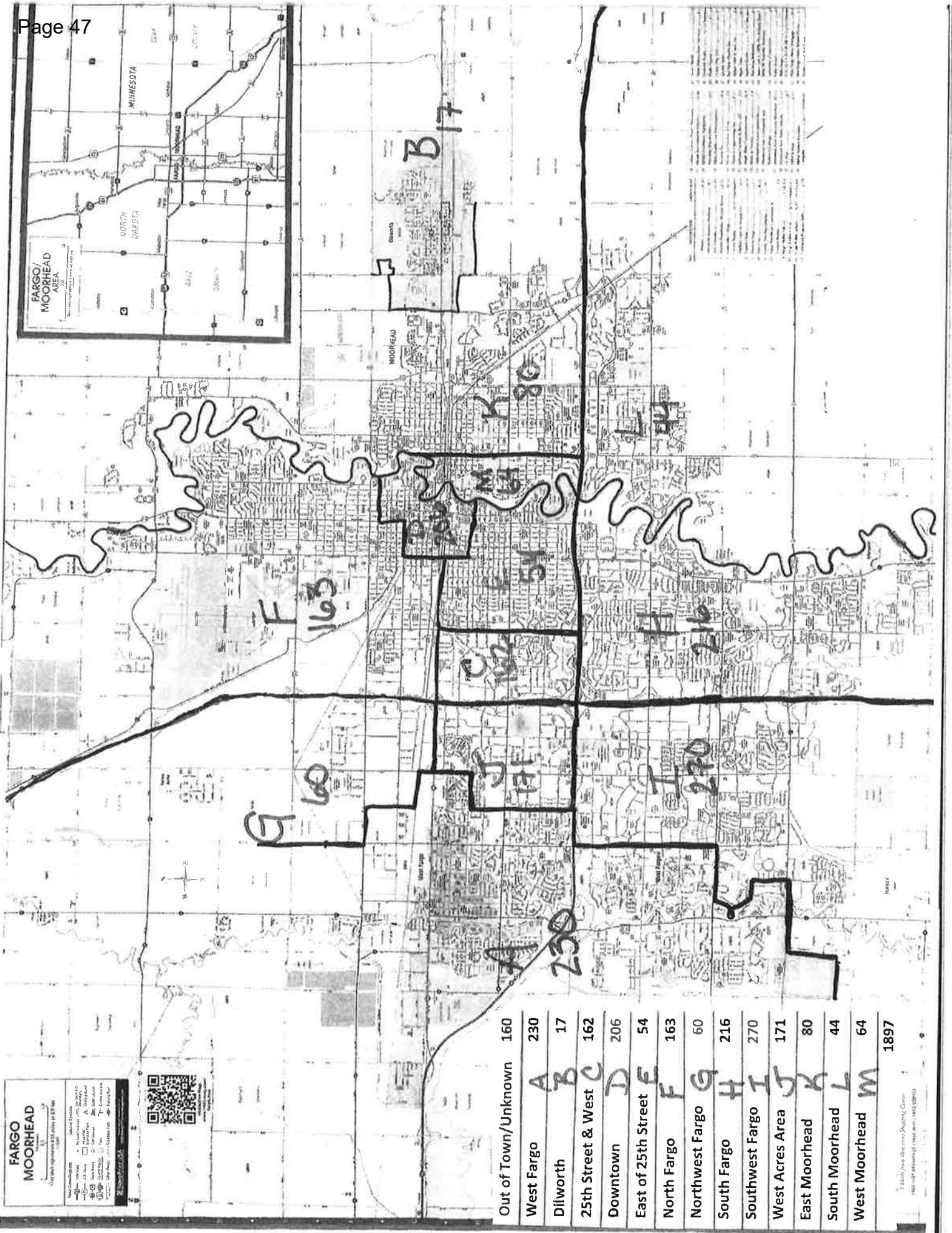
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(fax) 701 • 282 • 4366

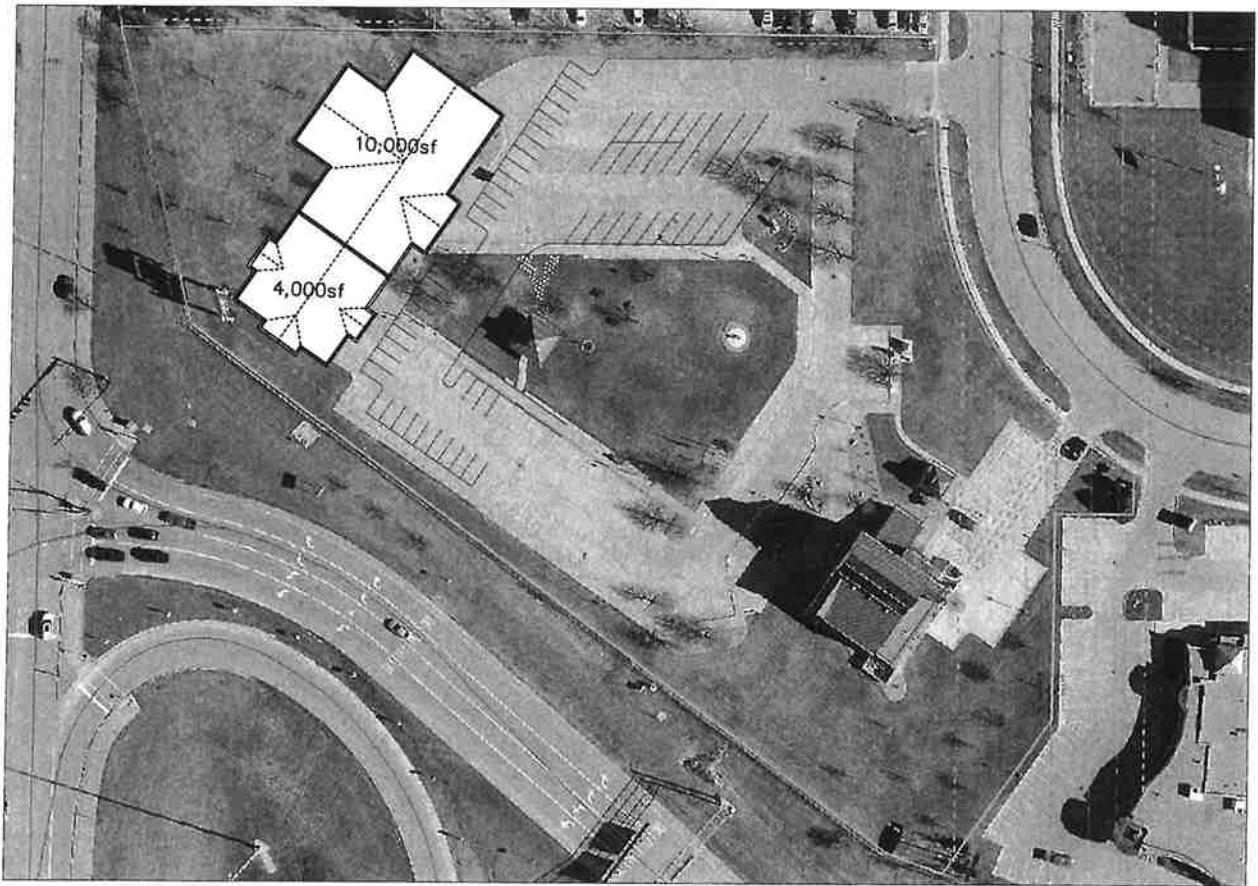
info@fargomoorhead.org

www.fargomoorhead.org



Out of Town/Unknown	160
West Fargo	230
Dilworth	17
25th Street & West	162
Downtown	206
East of 25th Street	54
North Fargo	163
Northwest Fargo	60
South Fargo	216
Southwest Fargo	270
West Acres Area	171
East Moorhead	80
South Moorhead	44
West Moorhead	64
	1897

Map from the Fargo-Moorhead Chamber of Commerce



Conceptual Site Plan





Tuesday, October 26, 2021



Dear Kember Anderson,

Please let this email serve as my written request for submission and entry to the November 1st City Commission meeting agenda.

I'm reaching out to once again request an extension to the moratorium on outdoor amplified sound ordinances in Fargo through September of 2022. This moratorium was first approved by the City Commission in June of 2020 for the summer of 2020. We then returned in September of 2020 to request an extension lasting through September of 2021.

I'm happy to report that thanks to the extension, Fargo Brewing Company and Jade Presents co-produced nine outdoor events within four months in 2021. The busiest month was August, which would have featured 5 outdoor concerts had one not been postponed by the artist due to a COVID-19 exposure. We hope to reschedule that event, among others postponed in 2020, to the summer of 2022.

Due to continued COVID-related restrictions on touring acts, and community confidence being weaker for indoor events due to COVID concerns, our businesses will once again need to prioritize a higher frequency of outdoor events in 2022.

We believe these circumstances, in addition to the reasoning originally provided in 2020, is reasonable justification for an extension of this moratorium through the 2022 calendar year.

Thank you for your consideration.

Sincerely,

Carly Bishoff
c/o Jade Presents, Fargo Brewing Company
E: carly@jadepresents.com
W: jadepresents.com
P: 701-214-5330
A: 302 N University Dr, Fargo, ND 58102

**CITY OF FARGO
POLICE DEPARTMENT**

Chief David B. Zibolski

105 25th Street North, Fargo, North Dakota 58102

Office: 701-241-1400 Fax: 701-297-7789

www.fargopolice.com



October 28, 2021

Fargo City Commission
City Hall
224 4th Street N.
Fargo, ND 58102

COPY

RE: Letter of Support for the Creation of a Fargo Police Advisory and Oversight Board

Dear Commissioners,

The ordinance presented to you this evening creating the first ever Fargo Police Advisory and Oversight Board is the culmination of months of research and work by City leadership, administration and staff, as well as the Police Department and community members. The request from concerned community members to form such a board follows the many trials and tribulations of 2020 in which police-community trust and relations were greatly strained.

I believe the creation of this board will have a positive impact on police-community relations, education, outreach, and provide a transparent mechanism for regular police-community interaction, trust building, and accountability.

In addition to the research and many discussions that helped formulate the Fargo Police Advisory and Oversight Board, the creation of such board is in keeping with recommendation 2.8 from the President's Taskforce on 21st Century Policing. As you may be aware, the 21st Century report has been inculcated into the Department as a foundational document and philosophy going forward. I whole-heartedly support the creation of this board and the Police Department stands ready to work collaboratively with board members and our community to fulfill our Vision, Mission and Core Values.

Sincerely,

David B. Zibolski
Chief of Police



Office of the City Attorney

City Attorney
Erik R. Johnson

Assistant City Attorney
Nancy J. Morris

October 28, 2021

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: Police Advisory and Oversight Board Ordinance

Dear Commissioners,

This letter is an accompaniment to Chief Zibolski's letter of support for the creation of the Fargo Police Advisory and Oversight Board. As Chief Zibolski stated, the attached ordinance creating the Police Advisory and Oversight Board is the culmination of extensive research and effort, and is presented to you today for approval.

Suggested Motion: I move to receive and file the following Ordinance Enacting Sections 5-0400 through 5-0411 of Article 5-04 of Chapter 5 of the Fargo Municipal Code Relating to the Fargo Police Advisory and Oversight Board and to place the ordinance on for first reading at the next regularly scheduled board of city commissioners meeting.

Regards,



Nancy J. Morris

NJM/lmw

Enclosures

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

AN ORDINANCE ENACTING SECTIONS 5-0400 THROUGH 5-0411
OF ARTICLE 5-04 OF CHAPTER 5 OF THE FARGO MUNICIPAL
CODE RELATING TO THE CITY OF FARGO POLICE ADVISORY
AND OVERSIGHT BOARD

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Code; and,

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the City shall have the right to implement home rule powers by ordinance; and,

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and,

WHEREAS, the Board of City Commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. Enactment.

Section 5-0401 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

Sec. 5-0401. Establishment of the Fargo Police Advisory and Oversight Board.

The Fargo Police Advisory and Oversight Board is hereby established.

Section 2. Enactment.

Section 5-0402 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

5-0402. Purpose of the Fargo Police Advisory and Oversight Board.

The purpose of the Fargo Police Advisory and Oversight Board (hereafter "Board") is to

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

1 advise and assist the City of Fargo and the Fargo Police Department (hereafter
2 “Department”) in policy development specific to police-community relations, education,
3 outreach, and other areas of concern to the community. The Board will be tasked with
4 providing review and input in the following areas of community concern:

- 5 1. Data evaluation relative to community issues and/or concerns, such as
6 traffic stop and use of force (UOF) demographics.;
7 2. Technology impacts on the community, such as body-worn cameras, facial
8 recognition;
9 3. Review of completed personnel investigations in accordance with section
10 5-0409, and/or use of force encounters;
11 4. Police response to mental health and community impacts;
12 5. Community training/education topics;
13 6. Department training topics that would benefit police-community
14 relationships; and
15 7. Other items identified by the Board and approved by the Chief of Police and
16 Board Chair.

17 The Board will work to create a dialogue between community representatives and the
18 Department. The Board will work to improve relations between law enforcement and the
19 community, assist with recruitment of diverse candidates, and provide community
20 perspective on policy, programs, and priorities of the Department.

21 Section 3. Enactment.

22 Section 5-0403 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby
23 enacted to read as follows:

5-0403. Specific duties of the Fargo Police Advisory and Oversight Board.

The Fargo Police Advisory and Oversight Board shall:

1. Be invited to assist the Department with community outreach opportunities

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

as well as suggest community events that through Department participation would benefit community relationships;

2. Advise the Department about community concerns, provide input, and work collaboratively with the Department to address them;
3. Review quarterly and/or annual reports from the Department regarding policies of concern to the community;
4. Review existing Department policies, procedures, and practices related to community concerns and provide feedback; and
5. Review post discipline findings of formal Professional Standards Division Investigations of misconduct by Department members.

Section 4. Enactment.

Section 5-0404 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

5-0404. Membership.

The membership of the Fargo Police Advisory and Oversight Board shall be as follows:

1. The Board shall consist of no more than seven (7) members appointed by the board of city commissioners. No more than one (1) member may have served in a former law enforcement role at any time;
2. Membership of the Board will reflect the diversity of the residents of the city of Fargo, including but not limited to ethnicity, race, gender, religion, sexual orientation, disability, socio-economic, and age; and
3. Board members selected shall be individuals with an interest in police and/or community relations.

Section 5. Enactment.

Section 5-0405 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

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5-0405. Qualifications.

Members of the Fargo Police Advisory and Oversight Board shall serve at the pleasure of the board of city commissioners and shall possess the following qualifications to be appointed to the Board:

1. Be at least twenty-one (21) years of age;
2. Be a resident of the city of Fargo;
3. Not be employed by the city of Fargo or be the immediate family member of an employee of the city of Fargo;
4. Not be a member of or the immediate family member of any member of the Fargo board of city commissioners;
5. Be a citizen of the United States;
6. Have no pending criminal charges in any local, state, or federal jurisdiction or court of law;
7. May not have a conviction for any of the following offenses:
 - a. Possession of controlled substances;
 - b. Battery or resist of a law enforcement officer;
 - c. Crimes of dishonesty or false statements; or
 - d. Crimes of moral turpitude, which include charges of prostitution, patronizing a prostitute, promoting prostitution, sale of sexual relations, buying sexual relations, soliciting for immoral purposes, indecent exposure, lewd and lascivious behavior, sodomy, promoting sodomy for hire, patronizing a person offering sodomy for hire, sexual battery, loitering for the purposes of solicitation, indecent liberties with a child, incest, adultery, bigamy, promoting obscenity, promoting obscenity to minors, displaying material

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

harmful to minors, and possession, sale or distribution of any illegal drug;

e. May not have been convicted of any felony; and

f. May not have been convicted if a misdemeanor domestic violence offense.

8. Is not registered as a sex offender with any state, county, or local government;

9. Is not an elected local, state, or federal public official or a candidate for any such office;

10. Is not a party or representative of a party presently making a claim against the city of Fargo for any action or inaction of an employee of the city of Fargo;

11. Is not a present law enforcement officer or the immediate family member of any such law enforcement officer;

12. Has not served in a law enforcement role in the 5 years proceeding appointment to the Board;

13. Has not expressed views or acted in such a manner as to demonstrate bias clearly offensive or antithetical to the mission of the Board; and

14. Is not in arrears on any amounts due and owing the city of Fargo, or has not otherwise defaulted on an obligation due the city of Fargo.

All applicants for the Board shall be required to submit to a criminal background check in order to verify qualifications are met prior to appointment to the Board.

In addition to the above qualifications, all applicants (or members, where applicable) for appointment and continued membership on the Board must participate in Department provided training of up to 40 hours upon appointment or within three (3) months of appointment by the board of city commissioners, and on an as-needed basis while serving on the Board.

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FARGO, NORTH DAKOTA

ORDINANCE NO. _____

Section 6. Enactment.

Section 5-0406 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

5-0406. Terms of office.

Members of the Fargo Police Advisory and Oversight Board shall serve four-year terms.

1. Members of the Board shall serve a term of four years. In order to establish staggered terms, appointments shall begin upon Ordinance adoption and formation and will include four (4) members for a four-year term, and three (3) members for a three-year term. Thereafter, all members shall be appointed for a four-year term. No member shall serve more than three terms, or 12 years, whether or not consecutive.
2. In the event a vacancy occurs or the individual no longer meets the eligibility requirements during the term of any member, the board of city commissioners may appoint a successor to serve the unexpired term. A successor appointed to complete an unexpired term shall be eligible to serve up to two consecutive terms in addition to the unexpired term. Notwithstanding the expiration of a member's term, such member may serve until his or her successor has been appointed and qualified.
3. A member may be removed by the board of city commissioners from the Board for the following reasons:
 - a. No longer meets the eligibility requirements described in Section 5-0405;
 - b. Misses more than two consecutive (2) Board meetings or fifty percent of Board meetings in a twelve (12) month period;
 - c. Fails to attend or complete assigned training within the times specified in section 5-0405;
 - d. Does not pass the criminal background check in accordance with the criteria set forth in section 5-0405;

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FARGO, NORTH DAKOTA

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- e. Commences and action or makes a claim against the city of Fargo for any action or inaction of an employee of the city of Fargo;
- f. Makes any false statement in the application to serve on the Board;
- g. For such other and further reasons as determined necessary and appropriate by the board of city commissioners.

Section 7. Enactment.

Section 5-0407 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

Section 5-0407. Meetings and officers.

The Board shall hold regular meetings and minutes shall be kept in accordance with the following:

1. The Board shall meet at least once monthly at the times and places established by the Department. The meetings shall be subject to all applicable provisions of the North Dakota Open Meetings laws. The Department may call additional meetings if necessary to address significant or time sensitive issues.
2. On or before July 1 of each year, the Board shall meet and organize its membership by electing a chairperson and vice-chairperson. The terms of such offices shall be for a period not to exceed two years.
3. An executive member of the Department shall attend all meetings and ensure minutes are kept and presented for approval by the Board at the next meeting.
4. Notice of all meetings shall be issued by the Department.
5. The Director of Equity and Inclusion shall be an Ex Officio non-voting member of the Board.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

6. The Board shall abide by the North Dakota Open Meetings and the North Dakota Open Records statutes- North Dakota Century Code §44-04, et. seq.

Section 8. Enactment.

Section 5-0408 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

5-0408. Recommendations and Operations of the Board.

1. Recommendations of the Board shall be approved by majority vote of the members present and voting. The quorum required for the Board to conduct business shall be the number of members representing at least one half of the total number of members duly appointed to the Board.
2. The Board may adopt lawful rules, regulations, and by-laws, consistent with the provisions of this chapter as it deems necessary for its operation.

Section 9. Enactment.

Section 5-0409 of Article 5-04 of Chapter 5 of the Fargo Municipal Code is hereby enacted to read as follows:

5-0409. Review of post discipline, administrative matters and citizen concerns.

1. In addition to the responsibilities set forth in this Chapter, the Board may review cases of misconduct by Department personnel investigated by the Professional Standards Division (PSD). Only cases which are post discipline may be reviewed. Review shall not be heard until all pending case(s) and any applicable appeals, grievances or other review of the incident have been concluded. A request by the Board to review post discipline findings must be made no later than one year from the date the discipline was imposed or completion of the investigation by the Professional Standards Division.

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. _____

2. The Department shall establish all necessary procedures to implement the review of post discipline matters brought before them. Included within these procedures will be notification to applicable police personnel involved in the review in accordance with Department policy. All police reports, videos, interviews or other investigative files submitted to the Board for review shall have the personal identifiers of all involved citizens, witnesses and officers redacted in accordance with North Dakota Open Records provisions.

3. The Board's review will be for the purpose of reviewing and advising the Chief of Police on suggested practices and training relevant to issues or concerns uncovered as part of the investigation.

The Chief of Police shall provide written information to the City Administrator or designee and any involved personnel of the Board's suggestions and recommendations.

Section 10. Effective Date

This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

Dr. Timothy J. Mahoney, M.D., Mayor

Attest:

Steven Sprague, City Auditor

First Reading:
Second Reading:
Final Passage:



ARLETTE PRESTON, CITY COMMISSIONER

Fargo City Hall
225 4th Street North
Fargo, ND 58102-4817
Phone: 701.715.2862 | Fax: 701.476.4136
www.FargoND.gov

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: COMMISSIONER ARLETTE PRESTON

DATE: NOVEMBER 1, 2021

SUBJECT: SPEEDING VEHICLES

We have been hearing numerous complaints from residents along a number of major arterials about the noise and speed of vehicles which seem to be engaged in racing. Complaints have come from incidents on South University, 25th Street, 52nd Avenue and 32nd Avenue. The concerns are for the noise, which is a big nuisance, but more importantly – safety concerns.

I recently had a conversation with an individual who witnessed a vehicle passing on South University, estimated speed at 80mph – in the middle of the day.

I'm requesting a report from the Police Department on what is being done to curb this activity and time on the agenda for the Commission to discuss what other interventions may be possible.



Fargo Inspections

City of Fargo
225 Fourth Street North
701-241-1561
fax 701-241-1526

Memorandum

TO: Board of City Commissioners
FROM: Shawn Ouradnik, Inspections Director
DATE: November 1, 2021
SUBJECT: Dangerous Building Update at 1418 1st Avenue North

The Inspections Department would like to update the Commission on the status of the Dangerous Building located at 1418 1st Avenue North. This building was presented at the Regular Meeting of the City Commission on May 3, 2021. In accordance with Fargo Municipal Code Article 21-0405. At that time a hearing was scheduled to allow the property owner to speak and to obtain a motion from the Commission. At that meeting this Commission declared the structure a Dangerous Building and ordered the removal of the structure by June 30, 2021. We are providing information on the status of that structure and the future of the property.

Before Demo





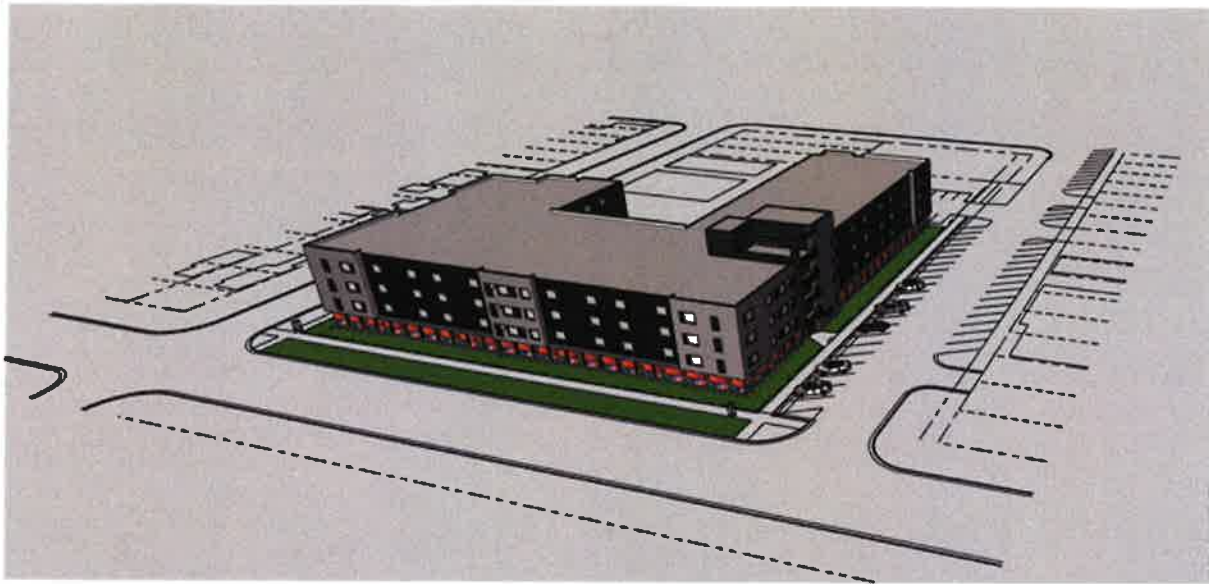


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November 1, 2021

To: Board of City Commissioners
Fr: Michael Redlinger, Assistant City Administrator
Re: 2021 Election & City Governance Task Force Status Update & Approval of Schedule

On October 18, 2021, the City Commission approved the formation of the 2021 Election & City Governance Task Force. City staff will provide a status update on the Task Force at the November 1, 2021 City Commission meeting and discuss the proposed schedule of events.

Per the action at the October 18, 2021 City Commission meeting, an "Internal Recommendations Team" is tasked with soliciting interest from the community in the Task Force. This work is now underway, and a statement of interest form (attached) is being circulated to the public via the following methods:

- City of Fargo utility bill insert
- City of Fargo website posting
- Social media posting
- Other City communications/newsletters
- Opening remarks at future City Commission meetings

The Internal Recommendations Team, together with Dr. Jeff Schatz, the Task Force Facilitator, will begin to schedule the meetings of the Task Force in late 2021 and early 2022. A concept schedule is below for your reference.

Proposed Schedule of Events:

2021

- November 1 – Status report to the City Commission; Task Force Member solicitation
- November 24 – Application Close Date

2022

- January 4 – Task Force Members selected, confirmed, & appointed
- Task Force Meeting #1 – January 17-21
- Task Force Meeting #2 – February 3-10
- Task Force Meeting #3 – February 24 – March 3
- Task Force Meeting #4 – March 17-24
- By April 30 – Task Force Findings & Final Report to the City Commission

Suggested Motion: Approve the 2021 Election & City Governance Task Force proposed schedule of events and authorize City staff to proceed with Task Force activities described on October 18 and November 1, 2021.

Attachment: Statement of Interest Form



**2021 Election & City Governance Task Force
Statement of Interest Form**

Name:

Physical Address*:

Primary Phone:

E-mail:

**Note: Providing your mailing address will assist the City of Fargo in ensuring a geographically, and demographically, balanced representation of citizens serve on the 2021 Election and City Governance Task Force. Thank you for providing this information.*

Questions:

1. Are you a resident of Fargo?
2. Why are you interested in serving on the Election and City Governance Task Force?
3. What prior experience have you had with civic or community organizations?
4. How would your service on the Election and City Governance Task Force contribute to the successful review of local governance topics such as Commission versus Council; Ward Systems; Number of Commissioners; Term Limits; etc.?
5. Please describe any relationship – including business, personal, or professional – to the City of Fargo or the Fargo City Commission.

Optional Section: The City of Fargo intends to create a diverse and inclusive 2021 Election and City Governance Task Force that reflects Fargo, its values, and its people. In an effort to include diversity, equity, and inclusion in the Task Force membership, please select from the following:

6. What is your sex, gender, or gender identity?
7. What best describes your Race? Check all that apply.
 - ☐ American Indian or Alaska Native
 - ☐ Asian

- ☐ *Black or African American*
- ☐ *Middle Eastern or North Africa*
- ☐ *Native Hawaiian or Other Pacific Islander*
- ☐ *White*
- ☐ *Other*

8. What is your Ethnicity?

- ☐ *Hispanic/Latino/Latinx*
- ☐ *Non-Hispanic/Latino/Latinx*
- ☐ *Other*

9. What is your educational background?

- ☐ *High School/GED*
- ☐ *BA/BS Degree*
- ☐ *BA/BS Degree + 15 Credits*
- ☐ *BA/BS Degree + 30 Credits*
- ☐ *MA/MS Degree*
- ☐ *Ph.D., Ed.D., or other Advanced Degree*

10. Other affiliations or experiences, please describe:

- ☐ *Youth (age 16-18)*
- ☐ *Young Adult (insert age)*
- ☐ *LGBTQ*
- ☐ *League of Women Voters of the Red River Valley*
- ☐ *Current or former elected or appointed official (local or state)*
- ☐ *Higher education or K-12 education*
- ☐ *Other*

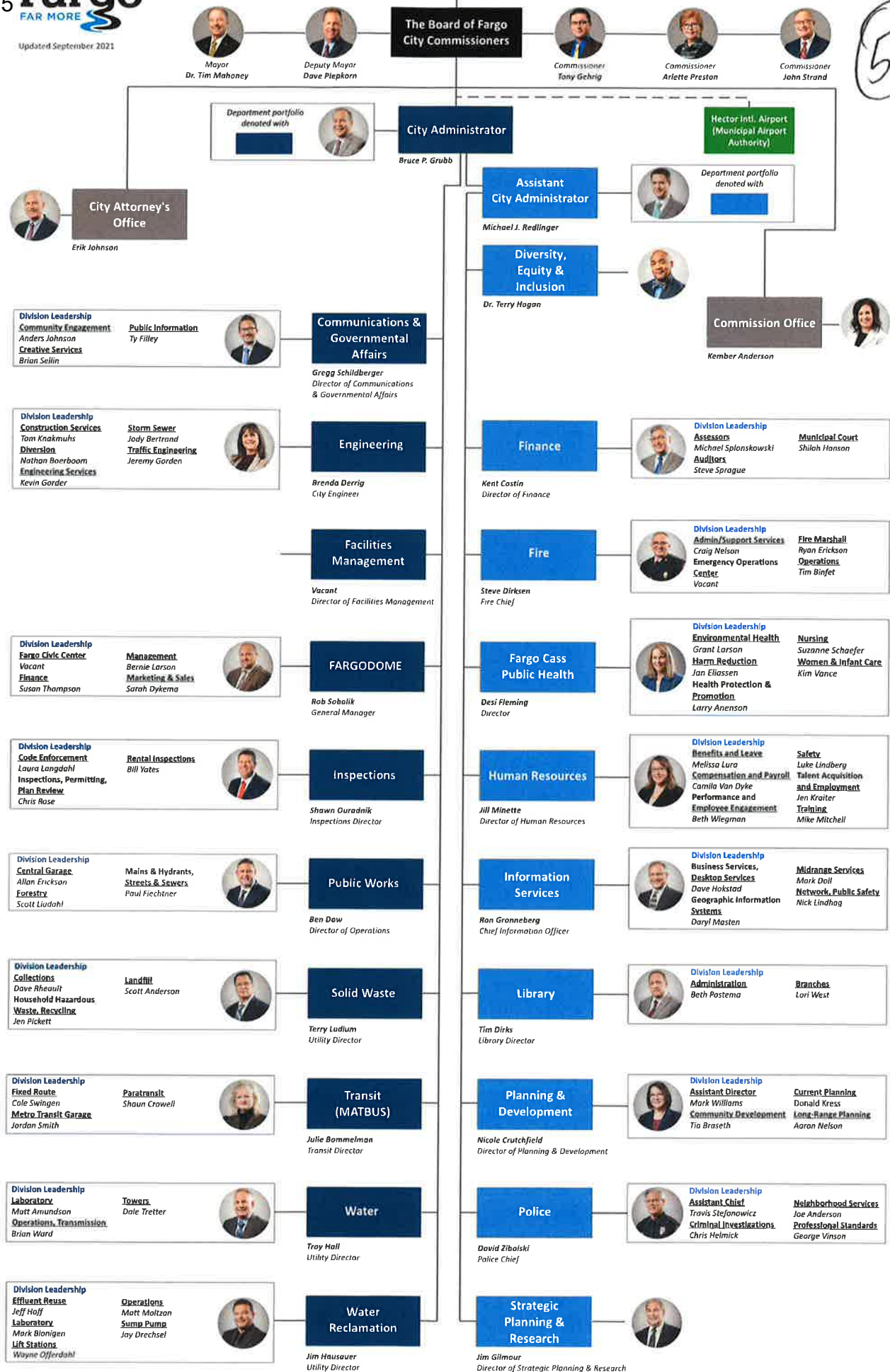
Public Meeting Notice: Please be advised that all meetings of the 2021 Election & City Governance Task Force will be noticed, public meetings and will be broadcast, recorded, and replayed on the City of Fargo's public access TV channels, website, and social media channels.

North Dakota Open Records Notice: Please be advised that all information provided within this form is subject to North Dakota Open Records laws and is subject to release.

Special Requests: If selected, would you require any special accommodations to participate in meetings of the 2021 Election & City Governance Task Force?

- ☐ *Yes - Please describe.*
- ☐ *No*

THE RESIDENTS OF FARGO



(51)

October 28, 2021

MEMORANDUM

To: Board of City Commissioners
From: Bruce P. Grubb, City Administrator **BPG**
Re: Recommendation for Appointment of Director of Facilities Management

Introduction:

The City of Fargo recently advertised and received applications for the position of Director of Facilities Management. A total of twenty seven applications were received in response to the advertisement. A selection committee was formed to review the applications and conduct interviews with the preferred candidates. The selection committee was comprised of the following:

Mark Fournier	Maintenance Attendant III
Julie Bommelman	Public Transit Director
Ben Dow	Public Works Director
Jill Minette	Human Resources Director
Dr. Terry Hogan	Director of Diversity, Equity and Inclusion
Michael Redlinger	Assistant City Administrator
Bruce Grubb	City Administrator
Beth Wiegman	Human Resources (Facilitator)

The applications were reviewed and ranked independently by each committee member. Based on the individual rankings, five candidates were chosen for interviews by the selection committee.

Candidate Interviews:

The candidate interviews were conducted on October 13, 2021. The interviews were scored independently by each committee member. During the interviews, the candidates were asked a series of technical and behavioral questions. The questions were related to the following subject areas:

Education/Experience
Technical
Motivation

Decision Making
Fiscal Management
Situational

Leadership
Problem Solving
Vision

Based on the results of the application rankings and interview scoring, the committee recommends the appointment of Bekki Majerus to the position of Director of Facilities Management.

Your consideration in this matter is greatly appreciated.

SUGGESTED MOTION:

Appoint Bekki Majerus to the position of Director of Facilities Management.

- C: Mark Fournier, Maintenance Attendant III
Julie Bommelman, Public Transit Director
Ben Dow, Public Works Director
Jill Minette, Human Resources Director
Dr. Terry Hogan, Director of Diversity, Equity and Inclusion
Michael Redlinger, Assistant City Administrator
Beth Wiegman, Human Resources Manager

BEKKI MAJERUS

Facilities Management professional with fifteen years' experience in the field. Strong background in building systems, vendor management, space planning, project management, and customer service. Proven integrity and flexibility within changing environments.

CORE COMPETENCIES

- Vendor Management
- Space Planning
- Project Management
- Process Improvement
- Leadership
- Asset Management
- Budgeting
- Building Systems
- Public Speaking

EXPERIENCE

Blue Cross Blue Shield North Dakota
June 2006 – Present

Manager, Facilities Services

- Oversight and development of assigned team
- Responsible for nine locations nationwide, 220,000 square feet, \$4.9 million budget
- Managed 2019 budget within 3% despite two unplanned office relocations
- Relationship Manager for over 130 facilities vendors
- Enhance Facilities Asset Record to provide long term capital budget planning
- Collaborate with leadership to develop long term strategic plan
- Represent Facilities Department on the Pandemic (COVID) Committee for Noridian
- Contract and lease oversight

Facilities Services Team Leader

- Document departmental procedures
- Project scheduling for building construction, remodel, repair, and maintenance
- Develop and manage departmental capital budget in collaboration with the finance department
- Oversee office startups, moves and closeouts
- Create and promote a Master Interiors Plan to layout remodeling over a five-year schedule
- Develop Facilities Asset Record to manage assets and anticipate costs for budget purposes

Facilities Coordinator

- Supervision of maintenance, custodial, and security personnel
- Manage facility costs through scheduled preventive maintenance
- Coordinate outside contractors for repairs and improvements of the building and grounds

BEKKI MAJERUS

Facilities Coordinator (cont.)

- Research new technologies to resolve challenging facilities issues
- Analyze RFP responses and submit requisitions for purchasing
- Listen to understand management needs to better support the organization
- Presentation at annual vendor seminars
- Project management for building construction, remodel, repair, and maintenance
- Document response to internal and external audits

Security Coordinator

- Register vendors and assign credentials for building access
- Work with security company to ensure compliance with strict security standards
- Establish and maintain policies and procedures pertaining to security
- Triaged Facilities Help Line calls and delegated tasks to appropriate staff

Meritcare Health System (now Sanford Health)

April 1997 - May 2006

Medical Records, Multiple Positions

- Coordinated the consolidation of medical records from multiple physical locations
- Developed more efficient workflows
- Project management for conversion of patient records to electronic format
- Collaboration with healthcare providers to streamline required forms
- Led a team of 22 employees working evenings, overnights, and weekends
- Created a database for recording statistics and driving employee productivity
- Effective communication with internal and external customers
- Develop strategies to improve customer service
- Analysis of medical record documentation

BEKKI MAJERUS

PROJECTS

- Managed \$1 million in capital projects in 2019
- Oversaw a \$350,000 remodel of office space for call center to include a kitchen/lounge
- Led the \$175,000 renovation of the fitness center to add restrooms, showers and locker rooms
- Executed the relocation of 165 employees to a different building in three days

EDUCATION

- Bachelor of Science in Facility Management, North Dakota State University
- Master's in Business Administration, University of Mary

AFFILIATIONS

- International Facility Management Association (IFMA), November 2011 - Present
- IFMA Board Member, Communication and Membership Chair, November 2018 – July 2021
- IFMA Board Member, Secretary and Social Media Chair, July 2021
- Junior Achievement Volunteer 2009 – Present
- Junior Achievement Board Member – August 2021 - present

ACCOMPLISHMENTS & CERTIFICATIONS

- Facility Management Professional (FMP) Certification
- Dale Carnegie Course Graduate
- Noridian Emerging Leadership Program Graduate

(52)

MEMORANDUM

TO: BOARD OF CITY COMMISSIONERS

FROM: MAYOR TIMOTHY MAHONEY

DATE: NOVEMBER 1, 2021

SUBJECT: GROWTH INITIATIVE FUND BOARD

Josh Teigen has served as the City of Fargo's appointee to the Growth Initiative Fund Board of Directors. He has moved out of the City of Fargo and will no longer be eligible to serve.

I am recommending the appointment of Hari Panjini to the Growth Initiative Fund Board of Directors to fill the vacancy created by the departure of Mr. Teigen. Mr. Panjini is a business attorney who has assisted various entrepreneurs in legal services.

Mr. Panjini is interested in serving on the GIF Board and I am recommending that he be appointed for a term ending December 31, 2024.

Your favorable consideration of this request will be greatly appreciated.

RECOMMENDED MOTION: To appoint Hari Panjini to the Growth Initiative Fund Board of Directors for a term ending December 31, 2024.

mmapptgif21



October 19, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2440 East Country Club Dr S as submitted by Wesley & Stacey Griggs. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$410 with the City of Fargo's share being \$70.

Sincerely,

A handwritten signature in cursive script, which appears to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**

North Dakota Century Code ch. 57-02.2

(File with the local city or township assessor)

Property Identification

1. Name of Property Owner	<u>Wesley & Stacey Griggs</u>		Phone No.	<u>701-866-8968</u>
2. Address of Property	<u>2440 East Country Club Dr. S.</u>			
City	<u>FARGO</u>	State	<u>ND</u>	Zip Code <u>58103</u>
3. Legal description of the property for which the exemption is being claimed.	<u>Lot 16 + N 5 FT OF 17</u>			
4. Parcel Number	<u>01-0501-00830-000</u>	Residential	<input checked="" type="checkbox"/>	Commercial <input type="checkbox"/> Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	<u>Same</u>			
City		State		Zip Code

Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	<u>Remodel Kitchen & Master Bath</u>
7. Building Permit No.	<u>21030663</u>
8. Year Built	<u>1965</u>
9. Date of Commencement of making the improvement	<u>3/22/21</u>
10. Estimated market value of property before improvement	\$ <u>229,600</u>
11. Cost of making the improvement (all labor, material and overhead)	\$ <u>128,406.-</u>
12. Estimated market value of property after improvement	\$ _____

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.	
Applicant's Signature	<u>Wesley Griggs</u> Date <u>10/15/21</u>

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature <u>Nick Spaulding</u> Date <u>10-20-21</u>

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions: _____
Chairman of Governing Body _____ Date _____



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October 19, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2518 East Country Club Dr S as submitted by James Kappenman & Daryl Bates. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$65 with the City of Fargo's share being \$10.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

Application For Property Tax Exemption For Improvements To Commercial And Residential Buildings

N.D.C.C. ch. 57-02.2

(File with the city assessor or county director of tax equalization)

Property Identification

1. Legal description of the property for which exemption is claimed Lot 21, Block 5, Country Club Acres
2. Address of Property 2518 East Country Club Dr S
3. Parcel Number 01-0501-00880-000
4. Name of Property Owner James Kappenman & Daryl Ann Bates Phone No. _____
5. Mailing Address of Property Owner Same

Description Of Improvements For Exemption


6. Describe type of renovating, remodeling, alteration or addition made to the building for which exemption is claimed (attach additional sheets if necessary). New siding & roof
7. Building permit No. 20090534
8. Year built (residential property) 1967
9. Date of commencement of making the improvements 09/21/2020
10. Estimated market value of property before the improvements \$ 445,400.00
11. Cost of making the improvement (all labor, material and overhead) \$ 45,000.00
12. Estimated market value of property after the improvements \$ 474,700.00

Applicant's Certification And Signature

13. I certify that the information contained in this application is correct to the best of my knowledge.

Applicant Date 10/14/21**Assessor's Determination And Signature**

14. The assessor/county director of tax equalization finds that the improvements described in this application do ☒ do not ☐ meet the qualifications for exemption for the following reason(s): _____

Assessor/Director of Tax Equalization Date 10-20-21**Action Of Governing Body**

15. Action taken on this application by the governing board of the county or city: Approved ☐ Denied ☐

Approval is subject to the following conditions: _____

Exemption is allowed for years 20____, 20____, 20____, 20____, 20____.

Chairperson _____

Date _____



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October 11, 2021

Board of City Commissioners
City Hall
Fargo, ND 58102

Dear Commissioners:

Chapter 57-02.2 of the North Dakota Century Code provides for a property tax exemption for certain types of improvements made to existing buildings.

I have attached a copy of an application for real estate tax exemption of building improvements for the property at 2580 Pacific Dr S as submitted by Aimee Rastedt. A description of the property involved, types of improvements to be made, and assessment information are indicated on the application.

It is my opinion that the value of some of the improvements, referred to in the application, qualifies for the exemption. This exemption would be for 5 years.

The estimated annual tax revenue lost by granting the exemption, based upon the estimated cost of the improvements, would be about \$55 with the City of Fargo's share being \$10.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Splonskowski".

Mike Splonskowski
City Assessor

bsb
attachment

**Application For Property Tax Exemption For Improvements
To Commercial And Residential Buildings**
North Dakota Century Code ch. 57-02.2
(File with the local city or township assessor)

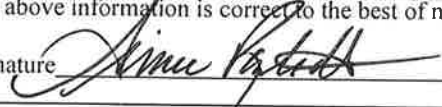
Property Identification

1. Name of Property Owner	RASTEDT, AIMEE J		Phone No.	701-306-7999
2. Address of Property	2580 PACIFIC DR S			
City	FARGO	State	ND	Zip Code 58103
3. Legal description of the property for which the exemption is being claimed.	BLK 3 LT 6 ARROWHEAD			
4. Parcel Number	01-0065-00260-000	Residential <input checked="" type="checkbox"/>	Commercial <input type="checkbox"/>	Central Business District <input type="checkbox"/>
5. Mailing Address of Property Owner	SAME			
City		State		Zip Code

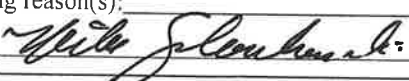
Description Of Improvements For Exemption

6. Describe the type of renovating, remodeling or alteration made to the building for which the exemption is being claimed (attach additional sheets if necessary).	REMODEL EXISTING KITCHED, NEW FLOORING, CABINETS AND ELECTRICAL. Create opening in wall between kitchen & living room
7. Building Permit No.	20020143
8. Year Built	1973
9. Date of Commencement of making the improvement	Feb 10, 2020
10. Estimated market value of property before improvement	\$ 223,300
11. Cost of making the improvement (all labor, material and overhead)	\$ 39,778.69
12. Estimated market value of property after improvement	\$

Applicant's Certification and Signature

13. I certify that the above information is correct to the best of my knowledge and I apply for this exemption.
Applicant's Signature  Date

Assessor's Determination

14. The local assessor finds that the improvements in this application has <input checked="" type="checkbox"/> has not <input type="checkbox"/> met the qualifications for exemption for the following reason(s):
Assessor's Signature  Date 10-20-21

Action of Governing Body

15. Action taken on this application by local governing board of the county or city: Denied <input type="checkbox"/> Approved <input type="checkbox"/>
Approval subject to the following conditions:
Chairman of Governing Body Date